

Arab Republic of Egypt
Ministry of Al-Awqaf (Endowments)
The Supreme Council for Islamic Affairs



The Truth of Islam and Misconceptions about Islam

Edited by
Prof. Dr. Mahmoud Zakzouk

and
Prof. Dr. 'Ali Gom'ah

Cairo, 1427 H. / 2006 C.E.

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Prepared by a group of grand scholars
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Preface

Darkness is the absences of light. It is a field of ignorance surrounded by ignorance leading to ignorance. In darkness, one is left to grope helplessly amidst a sea of darkness hoping, by chance, light will emerge. This hope, however, is only for those who are cognizant of their ignorance, for those who have seen light before and know the difference between it and darkness. There are those who have never seen light and are born into darkness and ignorance, which is further compounded by their ignorance of their own ignorance. The only way that this predicament can be halted and reversed is by way of knowledge that leads to truth and serves the cause of truth and truth alone; knowledge that is unadulterated that does not respond to any corporation, any CEO or any political party.

In many ways, our world is a world of darkness and ignorance since, as a human race, we have continued to demonstrate intolerance towards one another and we have quite consistently continued to suffer from age old problems rather than be the generation or the age to solve them. There are those few, however, who have remained steadfast in their pursuit of peace and justice for all. They have stood up against the current to speak the words of truth no matter how bitter they may be; a reminder of the Prophet of Islam's statement that "the greatest jihad is the word of truth in the face of a tyrant".

In hopes of following the footsteps of those few, this present work is offered for the English-speaking world. This book represents the efforts of a group of scholars of Al-Azhar University, one of the oldest centers of Islamic learning in the world. It is a humble attempt to bring light upon the darkness of ignorance. Its aim is to offer honest orthodox responses to many conceptions that are currently held towards Islam. There is no doubt that Islam is closer now to the west than ever before and that the relationship between

Islam and the West has been for better and for worse. The Muslim world and the Western world can no longer afford to be ignorant of one another. As mentioned in the introduction of chapter 5, our world still suffers, in one way or another, from the naïveté that "you are either with us or against us". It is time for cooler heads to prevail and true knowledge to flow east to west and west to east as we find in chapter 4.

Chapter One

Misconceptions Regarding the Qur'an

Introduction

The Qur'an is the heart of Islam; the fabric of both the scholarly and spiritual life. It is the foundation of belief, the starting point of all forms of knowledge, the inspiration for the arts and the Book to which turn believing men and women, young and old. It is studied, memorized and analyzed by students of sacred knowledge, who have dedicated their lives to its service. One cannot discuss anything in Islam without the Qur'an being part and parcel of the conversation.

The discussion of religion in the modern period is very much interested in the Holy Books of all major religious traditions, Islam included. This has caused modern thinkers to question the

authenticity of what is considered by many to be revelation- casting doubt on many aspects of religion. In this chapter, we will look at some of the common conceptions in regards to the Qur'an, then offer answers and responses to these conceptions.

The Compilation of the Qur'an

Conception

The Qur'an is held by Muslims to have been revealed to the Prophet of Islam over a period of twenty three years, the length of his prophetic mission. The process by which the Qur'an was revealed to Prophet Muhammad, however, has been an area of debate by some questioning the authenticity of the Qur'an as they claim it is prone to human error. Those holding these doubts also believe that much of the Qur'an was "lost" along the way. This argument and more are summarized below.

During the lifetime of the Prophet of Islam, the Qur'an was never compiled in a single bound

volume as we have today. Rather, the compilation of the Qur'an took place over two distinct stages:

1. The first phase was under the caliphate of Abu Bakr who began the compilation of the Qur'an but in a method that was later rejected by his followers.
2. The second phase was under the Caliphate of Uthman ibn Affan who compiled the whole Qur'an adding things that were left out in the first phase among which were:
 - a. The placing of dots on the various Arabic letters. (Before this time, Arabic was written without dots, making similar letters look alike).
 - b. The placing of diacritical marks signifying vowels on all the letters.
 - c. The placing of the different signs for pauses, short and long, throughout the Qur'an.
 - d. The placing of circles around all the verse numbers.

These two phases contain much human error making it quite probable that additions and subtractions to verses and chapters were made.

Response

The question of the authenticity of the Qur'an is a fairly new one and has been virtually non-existent in the past. Certainly in Muslim circles, the question of the Qur'an being authentic or not is not really an issue at all since from the creedal standpoint, the Qur'an is the eternal Word of Allah (God) revealed from the Preserved Tablet (*Al-Lawh Al-Mahfudh*) to the Prophet of Islam. Accordingly, Muslims view the Qur'an as containing the literal Words of Allah, words and verses that are eternal, preserved and protected from fabrication.

As for the historical context through which the Qur'an came to be, it must be remembered that the Arabs of pre-Islamic Arabia were an oral people. Their primary method of holding on to important facts was composing them into poetry and committing the verses to memory. In essence, their mastery of language and ability to memorize

things by rote were the greatest legacies the Arabs before Islam had. The fact that the Qur'an was not "written" in one complete volume before the Caliphate of Uthman does not mean that the Arabs before them were not able to preserve the Qur'an in its entirety. Memory was *the* method of preserving facts and documents so much to the point that memory was relied on more than written material. This tradition was maintained by Islam and the memorizing of texts was always a pre-requisite to the scholarly life.

The Qur'an's Arabic, while not exactly poetry, is rich and sophisticated; it easily captivated the attention of the Arabs. In fact, it was precisely the Qur'an that caused so much of a stir in Arabia, as it challenged the status quo and out did the best poetry the Arabs composed which posed a direct threat to the ruling elite and their established ways.

There were two main factors, which assisted the early Muslims to memorize the Qur'an as it was revealed:

1. The Qur'an was revealed piecemeal, and not all at once. This allowed the meaning of the Qur'an to permeate the minds and souls of the followers and allowed them to understand the message step by step, internalizing it first then teaching it to others.
2. The structure of the Qur'an and the manner in which it is recited create a harmony that is attractive to the ears of an Arabic speaker. The structure of the verses creates an intricate pattern of similar sounding words and tones. The Qur'an was never just read, but it was always recited according to the rules of *tajwid* (Qur'anic Recitation), allowing these patterns to be accentuated. For example, chapter one hundred of the Qur'an:
 - (1) *By the (Steeds) that run, with panting (breath),*
 - (2) *And strike sparks of fire,*
 - (3) *And push home the charge in the morning,*
 - (4) *And raise the dust in clouds the while,*

(5) *And penetrate forthwith into the midst
(of the foe) en masse;-*

(6) *Truly, man is ungrateful to his Lord;*

(7) *And to that (fact) he bears witness (by
his deeds);*

(8) *And violent is he in his love of wealth.*

(9) *Does he not know, when that which is in
the graves is scattered abroad?*

(10) *And that which is (locked up) in
(human)breasts is made manifest?*

(11) *That their Lord had been Well-
Acquainted with them (even to) that Day?*

This short chapter has eleven verses and the endings of each verse can be classified into four categories: The first group includes the first three verses, in which verse ends in a hard H (*ha*); *dabha*, *qadha* and *subha*. The second group includes the fourth and fifth verses each ending with an 'ayn (*'aa*); *naq 'aa* and *jam 'aa*. The third group includes verses six through eight, in which each verse ends with the letter dal (*d*); *lakanud*, *lashaheed* and *lashadeed*. The last group includes the remaining verses, i.e. nine through eleven, in which each verse ends with the letter ra' (*r*); *al-qobur*, *al-sodur* and *lakhabeer*. Furthermore, we

see that verses six through eleven all end in elongated vowels; either ya' or waw. The combination of the ending letters with the elongated vowels forms a rhythmic pattern found almost everywhere in the Qur'an.

There are two other factors that make this chapter easy to memorize. First, the chapter itself is not only short but also so to its verses. These verses consist of two words, the first three verses, three words, the fourth and fifth verses, and four words, verses six through eight. The verses employ few words to maximize meaning at the same time minimizing the amount of words needed to convey that meaning which is exactly what eloquence or *fasahah* in the Arabic language stands for. The second factor is the coupling of meaning throughout the chapter. For example, the first three verses swear by the running steeds in battle and verses four and five provide detailed information about these steeds in battle. Thus, the first five verses revolve around one topic. Then verse six proclaims that man is ungrateful towards his Lord. Verse seven confirms this ungratefulness, and verse eight shows disgust at man's love of worldly things, a cause of his

ungratefulness. Finally, the last three verses of the chapter serve as a warning for man to get out of this heedless state. This progression and coupling of meaning, combined with the short nature of the chapter and its verses added to the rhyming verses endings, all serve to facilitate memorization, which means that the meaning of the chapter is always kept at heart. The same can be said of the other chapters in the Qur'an.

The early Muslims, and Muslims of all generations, became familiar with the Qur'an by memorizing it. The message of the Qur'an from the beginning was sonarol meaning it was transmitted by listening and internalizing it. This pattern was mimicked and passed on to others, orally, who in turn memorized it and passed it on until the current age. Anyone who memorizes the Qur'an with a licensed teacher receives a certificate with a chain of transmitters (*isnad*), connecting the student to the Prophet of Islam, displaying the men and women who memorized and passed on the Qur'an preserving it each generation.

Upon receiving revelations, the Prophet of Islam would order some of his companions to write down the new verses. Many companions undertook this task of writing down the different verses on various parchments. During the life of the Prophet of Islam, then, there were two methods by which the Qur'an was documented and preserved. The first was rote memorization, and the second was the written documentation of which there were several concurrent copies. However, the Arabs, being a primarily oral people, relied on memorization. The Prophet of Islam was considered the foremost authority as, according to Islamic historiography, he would review the Qur'an with Archangel Gabriel once a year and twice in the year he died. From the Prophet of Islam, many companions were able to memorize the Qur'an. There were those who memorized parts of the Qur'an and there were those who memorized the entire Qur'an. Of the companions who memorized the entire Qur'an, seven were considered *the* authorities of the Qur'an after the Prophet. Their memorization was authorized by the Prophet of Islam thus giving them the permission (*ijazah*) to teach and transmit

the Qur'an to others. By the time that Caliphs Abu Bakr and 'Uthman sought to compile the Qur'an into one volume, these seven were consulted and their knowledge of the Qur'an guided the entire project.

1. *The First Compilation of the Qur'an*

During the battle of Yamamah¹, seventy men who had memorized the Qur'an perished. This made the leadership of the community very concerned as to what was to become of the preservation of the Qur'an. 'Umar ibn 'Al-Khattab suggested to Caliph Abu Bakr that they compile the Qur'an into one official volume, thus providing another way to perpetuate the teaching of the Qur'an. This was not meant to be something that was mass produced and distributed, but rather was to be preserved in a safe place for reference². The task was completed and one volume or *mus-haf* was compiled. When Abu Bakr died and 'Umar ascended as Caliph, the *mus-haf* was passed on to him for safekeeping. When 'Umar died, the *mus-haf* went to the house of his daughter and former wife of the Prophet of Islam, Hafsah.

Up until this time, as has been mentioned, the *mus-haf* was not *the* source of the Qur'an but rather those who had memorized it and received authorization of their memorization. This first compilation of the Qur'an took place by collecting the different parchments, which the companions wrote as the Qur'an was being revealed. Accordingly, this first *mus-haf* contained the entire Qur'an in the chronological way in which it was revealed and not in its final canonical order as is seen in the *mus-hafs* of today.

II. The Second Compilation of the Qur'an³

The second compilation of the Qur'an took place during the Caliphate of 'Uthman who himself was among the companions who had committed the entire Qur'an to memory. By this time, people were continuing to memorize the Qur'an in its different canonical recitations and formed groups based on these recitations. This allowed for some tension and division among the scholars and students of the Qur'an and certainly made the elders concerned about the unity of the Muslim community. One concerned companion, Hudhayfah ibn al-Yaman, advised the Caliph to

take action so as to breakup the disunity and unite everyone around the Qur'an. 'Uthman decided that a second and final compilation of the Qur'an was needed but one that was to have a standard script so as to be applicable to all the canonical recitations. To gain support and legitimacy for this process, Caliph 'Uthman chose one member from the *ansar* (those Muslims who were originally from Madinah) Zayd ibn Thabit and three from the *muhajireen* (those Muslims who migrated from Makkah to Madinah), 'Abdul Allah ibn az-Zubayr, Sa'ad ibn Abi Waqas and 'Abdul Rahman ibn Harith ibn Hashim, all respected members of the Muslim community. Zayd ibn Thabit was placed in charge of the compilation team since he was distinguished in four ways:

1. He was among those who wrote down the Qur'an during the Madinese period.
2. He was among those who memorized the Qur'an at the hands of the Prophet of Islam and received his approval and permission in its memorization and recitation.
3. He was the only one who attended the final two recitations of the Qur'an with the Prophet of Islam and Gabriel.

4. He was the one who compiled the first *mus-haf* under Caliph Abu Bakr.

Being the second compilation of the Qur'an and in efforts to make it a standard copy for the rest of history, the team commissioned adopted two general rules:

1. The *mus-haf* that was compiled at the time of Caliph Abu Bakr would be used as a reference, meaning that nothing that was not found in the first *mus-haf* would be considered for the second.
2. Every single verse must be found verbatim in accordance with the memory of at least two companions who had memorized the Qur'an at the hands of the Prophet of Islam. The only exception to this rule was the companion Abu Khuzaymah al-Ansari about whom the Prophet of Islam said that his testimony was equal to two men. Thus if he had a verse memorized, it was sufficient for the second clause.

The team commenced to compile the Qur'an for the second and last time in Muslim history. The *mus-haf* that generated from them, known as

the *mus-haf* of ‘Uthman, was accepted by everyone and became the standard by which all others would be printed. All other copies that existed, including the *mus-haf* of Ibn Mas‘ud; were collected at the order of Caliph ‘Uthman and destroyed. This measure was taken since the few copies that existed, especially that of Ibn Mas‘ud, had commentary placed interlineally with the text of the Qur’an. The destruction of these copies insured that these lines of commentary would never be confused and later added into the body of the Qur’an.

The *mus-haf* of ‘Uthman thus represented both the first compilation and the second with its two conditions which were adopted to ensure the authority of the first compilation was upheld. Every verse that was written on any parchment and which could be found verbatim with two companions, who had committed the Qur’an to memory, was placed in the *mus-haf*. Also, any commentary or recitation style that was not accepted by the companions was removed from the *mus-haf* to make the *mus-haf* of ‘Uthman the Qur’an upon which all others were printed.

The companions who underwent this process and the rest who supported them believed firmly in the message and teachings of the Qu'ran. They took their task as a matter of life or death literally, since they believed strongly that the message of Islam is what would lead them to salvation in the Hereafter. They dedicated their lives to this cause and sacrificed almost everything they had to ensure that the Qur'an was preserved and transmitted unharmed to subsequent generations. To assume that they were careless in their efforts to compile the Qur'an goes against the very reality of their attitude and belief.

The Qur'an and Reason

Conception

Since Islam is a religious tradition of transmission (*naql*), there must be an inherent contradiction as far as reason and revelation are concerned. Muslim scholars who study by transmission are not capable of using their intellect or reason in their scholarly work. This means that all aspects of religious studies within Islam must be re-examined from a rational

standpoint in order to make Islam applicable to the modern period.

Response

To make a claim that the entire Islamic intellectual tradition, one that has been passed on from generation to generation until our current time, is incompatible with reason and therefore needs to be re-examined and rebuilt on a rational basis is quite a claim! It not only overlooks several salient features of the tradition, but also responds to a claim of extreme with another kind of extreme. It also reduces the entire Islamic tradition to its theological realm, eliminating other sciences and fields such as logic, math, rhetoric etc.

Reason is central to the Islamic tradition and is one of the qualifying aspects for one accepting Islam and its legal system. In other words, one must be a sane male or female with complete control over all rational faculties before their testimony of faith, *shahadah*, is accepted. This same condition applies to all other aspects of the religion, for example testimonies in court, fasting

and praying or any other acts of worship. All only apply or are only accepted by those in control of their rational faculties. The message of the Qur'an was accepted by people throughout the ages as it challenged their intellect to think differently. There are hundreds of verses in the Qur'an that are punctuated with rhetorical questions such as "will you not reflect", "will they not reflect the meanings of the Qur'an", etc. Reason was used by the scholars of Islam to understand and deduce meaning and rulings from the Qur'an and Prophetic texts. The Qur'an's message was not one only of miracles and wonders but was imbedded with meaning upon meaning that needed to be understood by a well-trained mind. Hence, the various Islamic sciences evolved as human constructs based on metaphysical realities found in the message of the Qur'an.

Imam Mawardi wrote in his book *Adab al-dunya wa al-din* "Know that every goodness has a source and that every etiquette has a spring and the source and the spring of all etiquette is reason which Allah has made a pillar of life and religion"⁴. He goes on further to demonstrate that

there are areas in Islamic law that necessitate the use of reason and other areas where reason is permissible to use and thus serves as a pillar. To reinforce this, Imam Mawardi narrates that the Prophet of Islam said, "Man has not obtained anything like reason which guides him and protects him"⁵. The use of reason has always been seen as an integral part of the Islamic tradition and not an opposing force.

The discussion of reason versus revelation is a product of the western world and has been an issue plaguing intellectual discourse and endeavors for over a millennium. The primary understanding of western thinkers has been that religion is based on faith and faith alone and that the natural sciences are the realm of reason. This created a duality, which led thinkers after Descartes to look beyond religion for meaning not only in the natural world but also in the moral, which became the categorical imperative of Kant and the existential reality of Sartre. This duality of reason and revelation never existed throughout Muslim history, however. This was not only displayed by the hundreds of scholars who

demonstrated the use of reason in their work but it is also the claim made by the Qur'an. The verses in the Qur'an discussing the human intellect are many. In sixteen verses, the Qur'an talks about the *lub*, the seat of human intellect, in two verses it talks about the people of *nuha* or reason, in twenty nine verses it talks about contemplation, in twenty verses it talks about *fiqh/tafaquh* or detailed knowledge of the Qur'an, in nineteen verses it talks about *hikmah*, or wisdom and in one hundred and thirty two verses the Qur'an talks about the heart as the source of man's intellect. This is not to mention the verses discussing knowledge, seeking knowledge and teaching which number over eight hundred. Therefore, the Qur'an, which is the quintessential aspect of the Islamic tradition, extols reason as the human tool to penetrate the revelation and apply the injunctions of Allah to the human condition.

However, the Qur'an does not posit that reason and reason alone is the only tool for learning and understanding the Divine Message. This would limit knowledge to a horizontal plane. The Qur'an also discusses metaphysical realities

and truths, which represent the vertical plane. This is why, according to the Qur'an, man cannot do without tradition and revelation, which are the only access to the vertical realm.

Among the scholars of the Islamic tradition who have discussed the issue of reason and revelation is Abu Hamid al-Ghazali (450-505 A.H./1058-1111 C.E.). Al-Ghazali, who is quoted extensively by St. Thomas Aquinas, wrote regarding reason:

The scholars of Sunni Islam are in agreement that there is no inherent contradiction between transmitted sacred knowledge and rational truth and that those who hold the necessity of following scholarship (*taqlid*) blindly and adhering only to the outer form of the law leading to a state of stagnation have only concluded this due to their weak intellects and limited perception. Also those who have engrossed themselves in rational thought to the point of colliding and contradicting the boundaries of Sacred Law (*shari'ah*) have only done so out of sickness of their conciseness. The first group leans toward extreme, as does the latter; both are far from being cautious and

upright in religion. The example of intellect is of sound vision free of any diseases or faults and the example of the Qur'an is that of the illuminating sun, should any seeker of truth rely on one over the other, there would be no difference between him and a blind man. Therefore, intellect combined with Divine Law is light upon light.⁶

This is the same relationship between reason and revelation understood by another Muslim scholar, Abu Walid ibn Rushd (520-654 A.H./1126-1198 C.E.) who wrote, "We know decisively that no rational inference can contradict the Divine Law since truth does not contradict truth rather it increases and affirms it"⁷

According to the Islamic tradition then the door for the use of reason is wide open when it comes to the experiential world and it serves as one of the bases upon which is built law, its understanding and application. However, there are areas in which reason alone is not sufficient and in some areas where it leads to no sound conclusion at all. These areas are the areas of

metaphysical truths, the unseen and some of the inner meanings behind certain legal rulings. In some areas, the “apparent” contradiction of reason and revelation is only a contradiction between reason and the outward superficial meaning of revelation, in others it represents the areas in which reason is limited. The relationship between reason and revelation is as Ghazali said, “light upon light” and any discussion of inherent contradictions between one and the other is something foreign to the Islamic tradition.

Religion by nature deals with the profane and the sacred, it talks about how to be good to ones neighbors and parents and it also talks about the Beatific Vision in Paradise. Religion brings the vertical plane to the horizontal and gives man the ability to experience both. Reason has its place in religion, as has been discussed above, but it also has its limitations. Ibn Rushd wrote:

It is not permissible for philosophers to discuss or argue foundations of religion such as to ask questions of the existence of Allah, virtue and morality. The one who engages in such dialogue deserves severe discipline, which is why the

apostate, according to Divine Law is killed. Everyone is required to submit to the principles of religion as these principles are from Allah and surpass human reason. To deduce these principles and laws is beyond the capability of man and accordingly man must testify to them and not question their origin⁸.

Using reason in religion means to recognize these limitations and to direct rational discourse and the use of intellect according to the principles and injunctions of the tradition.

Any religious tradition needs rational thought since this is part of the makeup of man. Not everyone was meant to be a saint or a sage but everyone can and must cultivate his/her rational faculty, his/her intellect, which Islam views as one of the greatest gifts of Allah to mankind. The point is to have reason be guided by revelation so as not to succumb to one's desires and caprice but rather to submit to the will and order of the Divine⁹.

Is the Qur'an a Historical Document or can it be applied to all times?

Conception

The Qur'an is an ancient document and is therefore not applicable today. It is only valid for the period in which it was first introduced, making it necessary to re-visit many of the Qur'anic injunctions to make them fit the modern human condition. For example, the Qur'an upholds that a man's share in inheritance is double that of a woman's. While this might have been valid in a patriarchic society, with today's socio-political climate this ruling would have to change. The same could be said of the verse talking about a man's testimony being equal to two women's testimony etc.

Response

This claim is not one that is new in the discussion of religion and its ability to solve societal problems and goes back to the Enlightenment period in which European thinkers

saw the Hebrew Bible and the New Testament as containing stories that were factually wrong. These stories, they argued, could only provide symbolic meaning from which could be derived general moral lessons. Some even went as far to hold that religion was but a state in the constant progression of the history of man, each current state superseding the next, leading to a higher form each generation or so¹⁰. This theory, being developed during the Enlightenment period in Europe, saw religion in many ways as a primitive mode of understanding. Religion was seen as based on beliefs that could not be rationally or empirically proven. While this might have helped people in the past, man has become too sophisticated for such superstition. It would take a great deal of time to enter into a discussion of this phenomenon and would take us off the path we have started. However, it is important to know this very basic historic lesson in order to place the conception that Islam, or any other religion for that matter, is not up-to-date with what is going on around it in its proper context.

The conception under discussion is focused more on the rulings of religion dealing with human interactions and not necessarily acts of worship and devotion. The legal injunctions, the specific rulings of the Islamic tradition, are *derived* from the Qur'an and the Prophetic sayings and actions by trained Muslim scholars who apply their reason and knowledge of current society structure to the primary texts. This is to say that what are contained in the Qur'an and corpus of Prophetic texts are principles that are to govern the human condition; principles of morality, virtue and principles of how the human is made up and what are man's strengths and weaknesses. The task then is to have these principles analyzed by trained scholars, those who have perfected the Arabic language, who have memorized the Qur'an and enough of the Prophetic texts, about 400,000 of them, to be able to synthesize the principles and derive rulings appropriate for every time and every scenario. The principles of jurisprudence, *usul al-fiqh*, are not subject to change, but the rulings themselves, *ahkam*, can change depending on the scenario. This allows Muslims to remain centered around the Divine and act according to

what the Divine has enjoined on them but in a way that is practical for each period.

Accordingly, there are two types of rulings within the Islamic legal tradition; rules that do not change and rules that can change. It is this duality that preserves morality at the same time changing its manifestation as needed. This balance, according to Islam, is necessary for human survival. Man needs to be morally guided by the Divine but at the same time man needs the flexibility to adapt to new conditions. For example, what would the world be like if killing innocent people were one day considered ok? One might think that this is a situation that would never happen, but if one considers the amount of murder today compared to the amount of murder say thirty or forty years ago, one only wonders what has caused the dramatic increase? The same could be said about theft. Even though everyone admits that theft is wrong, in the public's eyes is there a difference today between a gang stealing and an executive of a big corporation wearing a fancy suite stealing money from his employees and the government? Having moral truths remain

true in every day and age means society has a greater sense of shame and accountability. Good traits and good character then become something everyone praises and not something that goes out of style.

As for the other type of rulings that can change over time, they take into account the custom and traditions of people. This type of ruling is one that has to do with many human interactions. In Islamic legal theory, there is a concept of the “public interest” i.e. that which is good for the people and society is taken into consideration at all levels in deriving new rules. This gives the Islamic legal tradition the malleability to be coherent and tangible for every people living in every age.

As for the conception that women inherit less than men, it is important to keep in mind that the rules of inheritance are very detailed. So much so that it is considered its own science and not always taught in conjunction of Islamic law. According to the laws of inheritance, the woman does not *always* inherit less than the man, as we

will demonstrate shortly. The statement that “women inherit half of the man”, which is a partial quoting of verse eleven of the fourth chapter of the Qur’an, is what has added to this false conception. The verse clearly states, “*Allah thus directs you as regards your children’s inheritance, to the male a portion equal to that of two females...*” This is a specific scenario where the father dies and leaves children both sons and daughters. It is in this case that the sons inherit double the daughters. However, the verse dictating the general rule of inheritance is as follows: “*From what is left by parents and those nearest related, there is a share for men and a share for women, whether the property be small or large, a determinate share*” (4:7). Here the “determinate share” is for both men and women and no distinction is made between genders as is commonly thought. Rather the determining factor of the size of the “determinate share” is:

1. The *level of relationship* to the deceased. Those closest to the deceased receive a larger share than those further away.
2. The *generational level* of those compared to the deceased. For example, a son of the

deceased, being relatively young, receives a higher portion than the father of the deceased who is relatively older. The reason being is that the son is younger than his grandfather and has more of a financial responsibility towards his family than the grandfather who is absolved of much of the financial obligation since his son has passed on. It is also interesting to note that in this scenario there are two males each inheriting different amounts than the other.

3. The *financial responsibility* of those who are inheriting. It is in this case that a male, the son of the deceased, receives double of his sister, the daughter of the deceased. The male's financial responsibility in this case is greater than the female's since the male/son will have a family to look after and hence the extra share will help in this. However, the female/daughter does not have extra financial responsibility since she will be either under her brother's financial care or under her husband's. In this case, the inheritance she receives is completely hers to dispense as she pleases.

When all these circumstances are considered and if a chart of all the possibilities were drafted, what we would see is that, in over thirty situations, women inherit equal to or more than men. In only four circumstances, however, does the inheritance of men equal double that of women¹¹.

In regards to the testimony of women being equal to half that of men, a much more detailed discussion of this can be found in the following chapter but suffice it say that this is only found in areas where men are known to have more experience. The testimony of a woman is accepted in this case but two are needed so one supports the other since it is an area not familiar to them. However, in situations where women are more knowledgeable and have far more experience than men, their testimony is equal to and ever surpasses that of men. In some situations, the testimony of a man is not accepted at all and only that of a woman is. The conception that a woman's testimony is equal to half that of a man is largely due to verses 282-283 in the second chapter of the Qur'an :

O ye who believe! When ye deal with each other, in transactions involving future obligations in a fixed period of time, reduce them to writing. Let a scribe write down faithfully as between the parties: let not the scribe refuse to write: as Allah Has taught him, so let him write. Let him who incurs the liability dictate, but let him fear His Lord Allah, and not diminish aught of what he owes. If they party liable is mentally deficient, or weak, or unable himself to dictate, let his guardian dictate faithfully, and get two witnesses, out of your own men, and if there are not two men, then a man and two women, such as ye choose, for witnesses, so that if one of them errs, the other can remind her. The witnesses should not refuse when they are called on (for evidence). Disdain not to reduce to writing (your contract) for a future period, whether it be small or big: it is more just in the sight of Allah, more suitable as evidence, and more convenient to prevent doubts among yourselves, but if it be a transaction which ye carry out on the spot among yourselves, there is no blame on you if ye reduce it not to writing. But take witness whenever ye make a commercial contract; and let neither scribe nor witness suffer

harm. If ye do (such harm), it would be wickedness in you. So fear Allah, for it is Allah that teaches you. And Allah is Well-Acquainted with all things. If ye are on a journey, and cannot find a scribe, a pledge with possession (may serve the purpose). And if one of you deposits a thing on trust with another, let the trustee (faithfully) discharge his trust, and let him fear his Lord conceal not evidence; for whoever conceals it, - his heart is tainted with sin. And Allah knoweth all that ye do.

Upon reading this verse, the restrictions of a woman's testimony is assumed to be valid in all cases. However, this is not how Qur'anic injunctions are understood by the jurists. This verse speaks of specific circumstances in which a specific business transaction requires a specific contract with specific types of witnesses; this is not to be applied to all cases. In fact, within the verse itself, it is stated, "But if it be a transaction which ye carry out on the spot among yourselves, there is no blame on you if ye reduce it not to writing" reinforcing the specific nature of the first half of the verse. The verse, thus, excludes cases

of witnessing trade transactions, in which there is no limitation to the number of testimonies. The verse then goes on to address the one who seeks to insure his transaction allowing him to call witnesses regardless if they be men or women and regardless of their number. This the judge must take as a valid testimony.

This discussion is also echoed in the writings of Ibn Taymiyyah (1263-1328 C.E./661-728 A.H.) and his student Ibn al-Qayyim (1262-1250 C.E./691-751 A.H.) who both say that this verse is not meant to set limitations to all transactions but rather serves as advice so as to preserve peoples property¹². It is well-known that Imam Ahmad Ibn Hanbal (780-855 C.E./164-241 A.H.) held that a man's testimony is equal to that of two women in areas that he is more skilled and a woman's testimony is equal to that of two men in areas where she is more skilled. There is nothing, then, within Islamic law, that casts definite restrictions on testimonies but rather the issue is centered on skill and experience. The point of testimony is to establish clear evidence, which is further used by

the judge to come to a decision, which must be based on certainty.

The essence of the Qur'an is in providing principles, Divine principles that are to guide mankind. The detailed application of these principles, however, has been left to the trained jurist to adapt the principles to any given situation. It is this that has allowed the message of the Qur'an to be manifested through Islamic Law in every age. Any verse relating to legal matters can not simply be read and interpreted by an unskilled reader. Doing so not only causes gross misunderstanding but also what is worse, false practices that are counter to the very principle they claim to uphold.

Preservation of the Qur'anic Message

Conception

Some people do not hold that the Qur'an has been preserved over the years and that the verse "*We have, without doubt, sent down the Message; and We will assuredly guard it (from corruption)*" (15:9) refers to only portions of the Qur'an. The

proof they cite in this is the process by which the Qur'an was gathered by the Companions of the Prophet of Islam is subject to gross human error.

Response

The purpose of Revealed Books into the human temporal dimension is to give man access to the Divine and to serve as guidance. Without this measure, morality and truth, as been stated above, become relativized. According to the Qur'an, this mercy from Allah has been extended to all peoples. The Qur'an says, "*Verily We have sent thee in truth, as a bearer of glad tidings, and as a warner: and there never was a people, without a warner having lived among them (in the past)*" (35:24). This is why no people, according to Islamic belief, are taken to account unless a Divine Message has been sent to them¹³. Before the Islamic message, the preservation of various books was left to the people themselves. They were commissioned to hold fast to their teachings and live by the codes and injunctions laid therein.

It was We Who revealed the law (to Moses): therein was guidance and light. By its

standard have been judged the Jews, by the prophets who bowed (as in Islam) to Allah's Will, by the rabbis and the doctors of law: for to them was entrusted the protection of Allah's Book, and they were witnesses thereto: therefore fear not men, but fear Me, and sell not My Signs for a miserable price. If any do fail to judge by (the light of) what Allah hath revealed, they are (no better than) unbelievers (5:44).

When these teachings were not upheld, Allah would send another messenger with a new message and again commission the people to preserve the teachings:

13. But because of their breach of their covenant, We cursed them, and made their hearts grow hard; they change the words from their (right) places and forget a good part of the Message that was sent them, nor wilt thou cease to find them- barring a few - ever bent on (new) deceits: but forgive them, and overlook (their misdeeds): for Allah loveth those who are kind.

14. From those, too, who call themselves Christians, We did take a covenant, but they

forgot a good part of the Message that was sent them: so We estranged them, with enmity and hatred between the one and the other, to the Day of Judgment. And soon will Allah show them what it is they have done.

15. O people of the Book! There hath come to you Our Messenger, revealing to you much that ye used to hide in the Book, and passing over much (that is now unnecessary). There hath come to you from Allah a (new) light and a perspicuous Book.

16. Wherewith Allah guideth all who seek His Good Pleasure to ways of peace and safety, and leadeth them out of darkness, by His Will, unto the light, guideth them to a path that is straight. (5:13-16)

Messages from the Divine have always come at the hands of the prophets who served as the moral authorities and examples to follow in order to reach the presence of the Divine in this world and the next. It was the responsibility of these people to preserve the teachings and their Holy Book, never before was it a promise from the Divine to preserve the teachings. However, the case is different with the Message of the Prophet

of Islam, who is the last Prophet, the seal of all Prophets bringing one last message from the Divine to mankind. This is where we find the verse in the Qur'an "*We have, without doubt, sent down the Message; and We will assuredly guard it (from corruption)*" (15-9). This is a promise the early Muslims took extremely serious and as such they adopted a sophisticated method of compiling the Qur'an and preserving it through writing and memorization. This method, as outlined above, never concerned a group of verses or a certain amount of chapters excluding the rest. This would violate the principles of methodology adopted, which has been transmitted from generation to generation establishing diffuse congruence making it historically and theoretically impossible that any portion was fabricated or lost. It is to this that so many verses in the Qur'an responds:

21:7 - Before thee, also, the apostles We sent were but men, to whom We granted inspiration: If ye realise this not, ask of those who possess the Message.

7:69 - "Do ye wonder that there hath come to you a message from your Lord through a man

of your own people, to warn you? Call in remembrance that He made you inheritors after the people of Noah, and gave you a stature tall among the nations. Call in remembrance the benefits (ye have received) from Allah that so ye may prosper."

15:6- They say: "O thou to whom the Message is being revealed! Truly, thou art mad (or possessed)!"

16:44 - (We sent them) with Clear Signs and Books of dark prophecies; and We have sent down unto thee (also) the Message; that thou mayest explain clearly to men what is sent for them, and that they may give thought.

21:50 - And this is a blessed Message which We have sent down: will ye then reject it?

36:69 - We have not instructed the (Prophet) in Poetry, nor is it meet for him: this is no less than a Message and a Qur'an making things clear.

68:51-52 - And the Unbelievers would almost trip thee up with their eyes when they hear the Message; and they say, "Surely he is possessed!" But it is nothing less than a Message to all the worlds.

43:43-44 - So hold thou fast to the Revelation sent down to thee; verily thou art on a Straight Way. And verily this (the Qur'an) is indeed the Message, for thee and for thy people; and soon shall ye (all) be brought to account.

15:1,4,6, - Alif Lam Ra. These are the Ayats of Revelation, - of a Qur'an that makes things clear.

4. Never did We destroy a population that had not a term decreed and assigned beforehand.

6. They say, "O thou to whom the Message is being revealed! Truly, thou art mad (or possessed)!"

2:2 - This is the Book; in it is guidance sure, without doubt, to those who fear Allah.

32:2 - (This is) the Revelation of the Book in which there is no doubt, - from the Lord of the Worlds.

2:176 - (Their doom is) because Allah sent down the Book in truth, but those who seek causes of dispute in the Book are in a schism far (from the purpose).

3:3 - It is He Who sent down to thee (step by step), in truth, the Book, confirming what went before it; and He sent down the Law (of Moses)

and the Gospel (of Jesus) before this, as a guide to mankind, and He sent down the criterion (of judgment between right and wrong).

4:105 - We have sent down to thee the Book in truth, that thou mightest judge between men, as guided by Allah. So be not (used) as an advocate by those who betray their trust.

5:48 - To thee We sent the Book in truth, confirming the scripture that came before it, and guarding it in safety: so judge between them by what Allah hath revealed, and follow not their vain desires, diverging from the Truth that hath come to thee. To each among you, have We prescribed a law and an open way. If Allah had so willed, He would have made you a single people, but (His plan is) to test you in what He hath given you: so strive as in a race in all virtues. The goal of you all is to Allah. It is He that will show you the truth of the matters in which ye dispute.

6:38 - ...Nothing have We omitted from the Book...

If anything were omitted from the Qur'an then this verse would be a proof against the Qur'an.

6:155-157 - *And this is a Book which We have revealed as a blessing, so follow it and be righteous, that ye may receive mercy, lest ye should say: "The Book was sent down to two peoples before us, and for our part, we remained unacquainted with all that they learned by assiduous study, " Or lest ye should say: "If the Book had only been sent down to us, we should have followed its guidance better than they." Now then hath come unto you a clear (sign) from your Lord, and a guide and a mercy: then who could do more wrong than one who rejecteth Allah's signs, and turneth away therefrom? In good time shall We requite those who turn away from Our signs, with a dreadful penalty, for their turning away.*

Dr. Abdul Sabur Shaheen in his book *Tarikh al-Qur'an* states:

Throughout the generations, Muslims have always assumed an attitude of preserving the Qur'an. It was both written and memorized. The script laid down by 'Uthman, the third Caliph, was the script that was adopted for

the Qur'an. This remained even despite alterations in the structure of Arabic and certain spellings of the words¹⁴.

This is why when a traditional student memorizes the Qur'an he or she also memorizes the script. In other words, students memorize the Qur'an by rote as well as memorize how it is written in the 'Uthmani script. According to Ibn al-Jazary, there are three conditions for any Qur'an to be valid:

1. A valid chain of transmission going back to the Prophet of Islam.
2. Accordance with the 'Uthmani script.
3. Conformity to the rules of the Arabic language.

These rules, and other minor ones, make fabrications into the Qur'an nearly impossible.

The issue of the Qur'an and its authenticity is partly based on faith, in the sense that it is faith that one has to have to believe that a revelation was given to the Prophet of Islam. However, the authenticity of the document we have, namely the Qur'an, is established through the means it was

collected as well as the manner in which it was transmitted from generation to generation.

Conclusion

The Qur'an is both a Book for the average believer and the trained scholar. For the believer, it can always be a source of solace in times of tribulations and book of joy in times of happiness. For the trained scholar, it is a highly technical manual that needs to be deciphered by precise tools that take years to acquire. Almost all the conceptions regarding the Qur'an, both those mentioned above and others, mesh these two distinct categories into one. It reduces the Qur'an to a book that can be interpreted by anyone and has led to great misdeeds to occur in its name. Since the Qur'an has inspired Muslims for over a thousand years and since it is the source of nearly every sacred science within the Islamic tradition, understanding its makeup, compilation and the manner in which it is interpreted are all imperative to understanding what Islam is and what Muslims believe.

Chapter One Notes

1. For more information regarding this incident, one should consult Imam Zarkashy's *al-Burhan fi 'Ulum al- Qur'an*, Volume 1, p. 241.
2. This *mus-haf* was not circulated among the community, but was rather kept in a safe place and used for reference. The Qur'an was still primarily memorized by most students/scholars which served as the primary reference to the authenticity of the Qur'an.
3. One should consult the section entitled "The Compilation of the Qur'an during the Caliphate of 'Uthman" in Imam Zarkashy's *al-Burhan fi 'Ulum al- Qur'an* as well as Imam Suyuti's *al-Itqan fi 'Ulum al- Qur'an*.
4. Mawardi, Abu Hasan 'Ali al-Basri *Kitab Adab al-Dunya wa al-Din* (Beirut: Dar al-Makyabay al-Hayat 1987), p. 9.
5. *ibid*.
6. Ghazali, Abu Hamid *al-Iqtisad fi al-'Itiqad* (Cairo: Maktabat Sabih) p. 2-3.

7. 'Imarah, Muhammad *Fasl al-Maqal fima bayn al-Hikmah wa al-Shari'ah min al-Itisal* (Cairo: Dar al-Ma'arif 1999), p. 31-32, 67.
8. Ibn Rushd, Abu Walid *Tahafut al-Tahafut* (Cairo: 1903) p.121-125.
9. For a detailed discussion of reason science and its place in Traditional Islam, one should read Mustafa Sabri's four-volume work *Mawqif al'Aql wa al-'Ilm wa al-'Alam min Rab al-'Alamin wa 'Ibadihi al-Mursalin* (Beirut: Dar Ihya' al-Turath al-'Arabi).
10. This is a reference to the philosophical concept developed by Hegel.
11. 'Imarah, Muhammad *Hal al-Islam Hoa al-Hal* (Cairo: Dar al-Shuruq 1998) and Salah Sultan's *Mirath al-Mara' wa Qadyat al-Musawamah*, (Cairo: Dar al-Nahda 1999)
12. Al-Jawziyyah, Ibn al-Qayyim *al-Turuq al-Himiyyah fi Siyasat al-Shari'ah* ed. Dr. Jamal Ghazi (Cairo: 1977).
13. For more information on belief and disbelief in Islam, one should consult Abu Hamid al-Ghazali's *Faisal al-Tafriqa bayn al-Islam wa al-Zandaqa*.

14. Shaheen, Abdul Sabur *Tarikh al-Qur'an*
(Cairo), p.41.

Chapter Two

The Role of Women in Islam

Introduction

All religions claim to offer a system of beliefs and practices that led to felicity in this life and the next. Its view of both men and women is monumental to leading this felicitous life and hence a fundamental aspect of religion making the issue of women as seen through the prism of religion vital to understand. However, perhaps the issue of women and religion has been nowhere as important as a discussion as it has been in Islam.

Many people in the West have misunderstood what Islam has to say about women and how it views their role in society. This is partly due to a biased presentation of Islam

to a predominately western audience as well as due to some of the practices of Muslims themselves throughout the Muslim world and their many statements. These two go hand in hand since what has almost exclusively been presented to the western audience are exactly those few voices that indeed mistreat women misrepresenting these few voices as many. The vast majority of Muslims, both laypeople and scholars, hold a different view of men and women, a view we will attempt to present by analyzing certain concepts regarding women in Islam.

“The Testimony of a Woman is Equal to Half that of a Man’s”

Conception

It is quite clear from verse 2:282 that women are considered less than men in Islam. A woman is not respected as an equal to a man in social and public realms. This is best seen in court situations where a woman’s testimony is equal to half that of a man’s.

Response

This conception is multifaceted and it behooves us to begin by quoting the entire verse (2:282) in question to serve as a reference for the following discussion.

O ye who believe! When ye deal with each other, in transactions involving future obligations in a fixed period of time, reduce them to writing, let a scribe write down faithfully as between the parties: let not the scribe refuse to write: as Allah has taught him, so let him write. Let him who incurs the liability dictate, but let him fear his Lord Allah, and not diminish aught of what he owes. If they party liable is mentally deficient, or weak, or unable himself to dictate, let his guardian dictate faithfully, and get two witnesses, out of your own men, and if there are not two men, then a man and two women, such as ye choose, for witnesses, so that if one of them errs, the other can remind her. The witnesses should not refuse when they are called on (for evidence). Disdain not to reduce to writing (your contract) for a future period, whether it be small or big: it is more just in the Sight of Allah, more suitable as evidence, and more convenient to prevent doubts

among yourselves, but if it be a transaction which ye carry out on the spot among yourselves, there is no blame on you if ye reduce it not to writing. But take witness whenever ye make a commercial contract; and let neither scribe nor witness suffer harm. If ye do (such harm), it would be wickedness in you. So fear Allah. For He is Allah that teaches you. And Allah is Well-Acquainted with all things. If ye are on a journey, and cannot find a scribe, a pledge with possession (may serve the purpose). And if one of you deposits a thing on trust with another, let the trustee (faithfully) discharge his trust, and let him fear his Lord conceal not evidence; for whoever conceals it, - his heart is tainted with sin. And Allah knoweth all that ye do. (2:282)

The verse clearly states “and get two witnesses, out of your own men, and if there are not two men, then a man and two women, such as ye choose, for witnesses, so that if one of them errs, the other can remind her”. However, to understand the intricacies of this verse, it is important to note the there is a difference between testimony (*shahadah*) and calling to witness

(*istish-had*). A testimony is used by a judge to maintain justice (*'adl*) throughout the judicial process, which is based on clear evidence (*bayinnah*). To introduce testimony into the court and to accept it as conclusive has nothing to do with whether the person is a male or female. The point is to arrive at the truth via conclusive evidence. Once the judge is satisfied with the testimony presented and feels that the evidence is conclusive no more testimony is needed and the judge can issue a ruling. Truth, therefore, is not a function of gender or number of testimonies but rather clear evidence. The above quoted verse, however, is addressing calling to witness (*istish-had*) not testimonies (*shahadah*), a subtle linguistic difference with considerably different legal outcomes. Calling to witness is used by a creditor to insure that their money given as a loan is secure and it is not used in *all* cases but rather a very specific case, when there is a fixed time and scribes are commissioned to write who are of upright stature and do not refuse their task. Furthermore, this verse serves as advice and a recommendation to those wishing to insure their loans. In other words, if one wants to insure

his/her loan, calling witnesses and writing the contract is offered as a recommended measure, not an obligatory one.

The jurist consults of Islam have always viewed this verse in this manner. The stipulation of witnesses in verse 2:282 is only a recommended measure in insuring a loan and is not meant to be applied in all transactions. Therefore, women's testimonies are not worth half that of men's as is commonly thought. The foundation for proof in the Islamic legal tradition is found with the Prophetic statement "Proof must be provided by the accuser and the oath is made by the defendant."¹ Ibn Taymiyyah says regarding this Prophetic text that "evidence or proof is that which manifests the truth. It sometimes requires four witnesses, sometimes three, two, one or it can be based on refusing to take an oath or the option of taking one oath or fifty oaths"². Each of these returns to specific situations detailed in the corpus of the Islamic legal tradition. So the Prophet's statement "Proof must be provided by the accuser," means that one must bring evidence to corroborate his/her statement. This evidence can

be provided sufficiently by one man, one women or any combination of the two.

However, oaths are not the only way a judge can cast a ruling in a court situation. A judge can judge by *nukul* or the refusing to take an oath and inadmissible oaths. These two types of oaths are not found verbatim in the Qur'an or the Prophetic literature and have been deduced by the jurists. Other methods that are found in the primary sources are *qafa* or footprints/fingerprints as well as *qama* or solemn oaths in the case of murder. All of these methods and others are allowed by Islamic law to aid the judge and the court to arrive at a conclusion that is in the best interest of all the parties involved.

The recommendation of the number of witnesses in the above verse is an advice to protect and guarantee a loan; it does not serve as a guideline for a judge. The proof is that if in the situation described in verse 2:282 one cannot fulfill the number of witnesses, the two parties proceed with whatever numbers of witnesses they

have.³ This is also reiterated by Ibn al-Qayyim where he says:

There is nothing in the Qur'an that states that a judge can only judge by two [male] witnesses or one [male] witness and two female witnesses. Allah Almighty has ordered this for those seeking to guarantee their loans only. This is not an order for judges to judge by in court⁴.

A judge is allowed to judge by other methods and with any number of witnesses and of any sex deemed sufficient to establish clear evidence upon which can be derived a verdict.

Ibn Taymiyyah states:

It is permissible for the judge to accept the testimony of one single man if he is known to be honest in areas outside of prescribed legal punishments (*hudud*). And it is not mandated anywhere that the judge must only judge by having two witnesses, rather the two witnesses, two males or one male and two females, is a recommendation from Allah for those seeking to guard their right in engaging

in a business transaction. This does not mean that the judge cannot judge with less than this. The Messenger of Allah judged with one witness and his solemn oath and in other cases with only one witness and no oath. This is not against the Book of Allah (Qur'an) for those who understand, there is no contradiction between the Messenger of Allah and the Book of Allah. The Messenger of Allah also accepted the testimony of one man in the sighting of the new moon for the month of Ramadan. This is deemed by the jurists 'giving an account' and not testimony...the Messenger of Allah accepted the testimony of one man in the spoils of war, and he did not request another testimony other than the killer in the situation of murder. These stories are mentioned in rigorously authentic prophetic texts (*sahih*)... This is what al-Khiraqi (945 C.E./335 A.H.) narrated in his book saying 'The testimony of an honest doctor is accepted in a case of a surgery which led to death if he fails to get the testimony of two doctors or surgeons as well as the testimony of a

veterinarian with regard to the illness of an animal or a sumpter'⁵.

It should be clear that the number of witnesses is never a condition but rather experience and the ability of the testimony to provide conclusive evidence.

As regards to single female witnesses there is authentic documentation in early Islamic historiography for its validity. The following two texts are sufficient to make this point.

1. It is narrated in a rigorously authentic Prophetic text (*sahih*), found in both the collection of Bukhari and Muslim, on the authority of 'Uqba ibn Harith that when the Prophet of Islam went to marry Umm Yahya bint Abi Ihab, a slave girl informed him that she had breastfed both the Prophet and Umm Yahya when they were children making them brother and sister through breastfeeding. The Prophet accepted this as a valid testimony and seized the marriage process.

2. Ahmad Ibn Hanbal narrated on the authority of Bakr Ibn Muhammad who narrated on the authority of his father who said that women testify [alone] in events that men were not present at such as the birth, the women's bathing house, etc. Ishaq ibn Mansur said that "I said to Ahmad Ibn Hanbal that concerning testimonial witnesses, it is permitted for a woman to testify [alone] in matters of menstruation, the post marital waiting period (*'Iddah*) and everything else that only women know [meaning only in these situations]. Ahmad told me that a single woman's testimony is valid if she is reliable and in matters other than capital crimes". Ata' (647-742 C.E./27-114 A.H.) narrated that he allowed the testimony of women in marriage. Sharih (697 C.E. /78 A.H.) allowed women's testimony in matters of divorce. A weaker opinion holds that women are allowed to testify in capital crimes. Mihna narrated on the authority of Ahmad, who narrates on the authority of Abi Hanifah, that he said, "A midwife's testimony is excepted even if she be a Christian or a Jewess"⁶.

These statements and many more demonstrate that the quality of the witness and his/her area of expertise is what is sought and not the gender or the number of witnesses. Basing the acceptance of a witness on gender goes against the nature of real life scenarios and Islamic law is very much interested in assuring that rulings are carried out in a way that is adherent to the Divine and at the same time applicable in the real world.

Another aspect of this verse that is often misunderstood is the statement “so that if one of them errs, the other can remind her”. This “error” is neither something that the Qur’an holds to be a character trait of women in an absolute sense nor something that occurs to the point that holds in every situation regarding witnesses. Rather, this has to do with experience and common practice. One woman only needs to remind the other in areas where women are known to forget and not in every situation. This is not to say that men do not forget and as such, it is important to understand the general concept of men and women in Islam. Islam sees men and women as spiritually the same, i.e. both are equal in the eyes

of Allah and both are responsible for their actions, however, they are functionally different. Men are ordered to be directly in the world, to work to provide for their families, they have no option but to do this. Women are permitted to do all of these actions but are not ordered to. In other words, keeping the larger picture in mind, some women might have no experience in daily transactions and some might have the above portion of the verse in question in this section. When and where women are knowledgeable of certain areas not only just one woman is needed, but also one woman's witnessing the transaction is sufficient. This is the opinion of the Maliki School of jurisprudence and one of the opinions in the Hanbali School.

Another problem regarding this conception is that many people ignore the other clear passages in other chapters of the Qur'an that echo the above discussion. For example, in 24:6-9 the Qur'an states in equally clear language as 2:282:

6. And for those who launch a charge against their spouses, and have (in support) no

evidence but their own, their solitary evidence (can be received) if they bear witness four times (with an oath) by Allah that they are solemnly telling the truth;

7. And the fifth (oath) (should be) that they solemnly invoke the curse of Allah on themselves if they tell a lie.

8. But it would avert the punishment from the wife, if she bears witness four times (with an oath) by Allah, that (her husband) is telling a lie;

9. And the fifth (oath) should be that she solemnly invokes the Wrath of Allah on herself if he (her husband) is telling the truth.

Here the testimony of a man and a woman is exactly equal. Actually if these verses were contemplated, a moment one would see that a woman's testimony here is actually stronger than a man's since it averts his testimony and clears her of his accusation against her. In this scenario, levying a charge against a spouse, the above verses are the criteria for the judge and not simply a recommendation.

Even more importantly, we find in verse 2:143 "*Thus, have We made of you a nation justly balanced, that ye might be witnesses over the nations, and the Messenger a witness over yourselves.*" This verse is talking to the entire Muslim community, not distinguishing between male and female since wherever and whenever the Qur'an uses the plural it is equally meant for men and women unless otherwise specified. This verse indicates that each member of society is responsible for spreading truth regardless of his or her gender. This is even a greater issue and responsibility than testimonies in courts and witnesses on contracts. This upholds the gender equality in Islam by charging each of its members, male and female alike, with being up-right citizens and voices of truth and morality. This implies that both man *and* woman can be exemplars of morality and leaders to follow or they can be exemplars of immorality. This is why we find in chapter sixty six of the Qur'an verses nine through twelve give examples of immorality and morality from the women of the past.

Concerning the Nature of Women

Conception

Islam has an inherent dislike to women and holds that they are weaker than men both physically and mentally. As a result, women have been mistreated throughout Muslim societies, their rights violated and their honor humiliated.

Response

There is no doubt that women in general have been mistreated in virtually every time and every society. Unfortunately, today the situation is not strikingly different. Many of the societies that Islam first encountered, including pre-Islamic Arabian society, were very patriarchal in nature. Society was run by men who were considered legitimate leaders since they were males and women were seen as inferior and kept out of societal life. The Message of the Prophet of Islam fought strongly against this conception and the status quo during his time was not only challenged but also changed. Arabia was transformed with his Message of gender equality and merit based leadership. This does not mean

that the patriarchal mentality evaporated. As the Muslim body politic quickly spread and other regions and peoples came into the folds of Islam, many of their pre-Islamic biased idiosyncrasies crept in, after all the saying that old habit die-hard is not based on a myth. It is true that these people were transformed and that they had a spiritual awakening of sorts, but the way they lived their lives for centuries was not something that left in a day or night. What emerged was social tension in which old habits were pitted against new moral standards set by Islam. During the times of Mamluk rule and Ottoman rule for example, these old ways of thinking, including the inferiority of women, even went as far as to seek out interpretations of primary texts to fit a narrow understanding of women. Many texts were taken out of context and explained in ways counter to the heart and essence of the Islamic Message.

These efforts stand counter to the prophetic mission of Prophet Muhammad who demonstrated that women were an integral part of society. Among the many stories from the early period that demonstrate these are:

- The Prophet's first wife Khadijah bint Khuwaylid (68-3 B.H./556-620 C.E.) is considered the "mother of the believers" as are the rest of his wives. She was crucial in supporting Prophet Muhammad in his early years and she was, at times, his only outlet for support. The year she died is known as the "Year of Sorrow" signifying the tremendous loss not only the Prophet felt but the larger Muslim community as well.

- The first martyr in Islam was a female, Sumayyah bint Khayyat (7 B.H./615 C.E.)

- Throughout the many different epochs in Islamic history, women were leaders of the community in many fields, the most prominent being politics and business. However, the greatest field that women were and still are noted for is the field of hadith narration. It is also interesting to note that in the science of hadith narration, not a single female narrator is considered weak.

These stories and many others were muddled over, however, by local expressions such as "a

good women only 'leaves' twice, once to go to her husband's house and another to the grave" and local practices such as female infanticide.

Even more detrimental were the erroneous commentaries that emerged in regards to certain Qur'anic verses and Prophetic sayings referred to above. The most significant is the Prophetic text found in both the collection of Bukhari and Muslim and is narrated by Abu Sa'id al-Khudri who said:

The Prophet of Islam went out for the festival prayer, either the *fitr* or *'adha* festival. He passed by a group of women and said to them, 'O women! I have not seen those who are deficient in intellect and religion that can seize a firm man's heart like you!' They replied, 'What is our deficiency in intellect and religion?' He replied, 'Is it not that the testimony of a woman is half that of a man?' They replied, 'Yes.' He said, 'This is from deficiency of intellect. Is not that when a woman has her monthly cycle she seizes from canonical prayers?' They said, 'Yes.'

He said, 'This is from deficiency in religion.'⁷

This text has served to provide legitimacy to those who have sought to take away the rights of women for quite some time, thus it is worth spending some time to discuss it.

The first thing to notice about this text is that the narrator is not sure which festival prayer the Prophet of Islam went out for. This means that doubt is cast on the narrator as far as the strength of the text is concerned. The second thing to notice is that the text is addressed to a specific group of women meaning that no legislation is being decreed regarding women and accordingly no ruling can be built upon this text/incident. This is similar to the prophetic text in which the Prophet of Islam is reported to have said, "We are an illiterate people who neither read nor write"⁸. This text is narrated by Bukhari, Muslim, Nisa'i, Abu Dawud and Imam Ahmad, meaning it is highly authentic. However, this is not a ruling against reading and writing, but rather a description of a specific condition. Reading and writing are commanded by Allah in the Qur'an

and the Islamic intellectual tradition produced countless volumes on almost every subject. The third aspect to notice is that there are other narrations, especially the one of Ibn ‘Abbas, in which there is clear indication that these were a group of women who had certain detestable traits (namely the rejection of the Bounty of Allah upon them and their families) that the Prophet of Islam warned, could drag them into the Hellfire. In this sense, the text can be read as a stern admonition to this specific group of women.

The event of one of the two Muslim festivals that this story is narrated to take place at is also worth some attention. We know from several other prophetic texts that the Prophet of Islam was most happy on these occasions and that they were a time of great jubilation on a community level. To interpret the tone of the above text as one of anger or admonition would be counter the overall spirit of the holy festival. Rather, it should be read as a statement of praise in which the Prophet of Islam is praising this group of women who are able to win the hearts of

their men except if the other narration of Ibn ‘Abbas is being considered.

As for the first “deficiency” of intellect, it is a reference to the emotions of women meaning that it is common to find more emotions, both positive and negative, in women than in men. Since Islam holds archetypal personalities, this text is not meant to be a general statement that *all* women have an abundance of emotions, rather women in general and specifically this group of women found in the text that the Prophet was addressing. Furthermore, this abundance of emotions is not considered negative in this text, as it is precisely this attribute that has allowed this group of women to win the hearts of their men. Thus, the emotions of women allow them to be empathizers and companionate, which makes them the spiritual pillars of the family and community. This same line of reasoning also applies to the second statement of the Prophet, namely, “deficiency in religion”. When asked what this meant, the Prophet of Islam responded that a woman’s monthly cycle, which prevents her from the canonical prayers is the deficiency. This

clearly is a discussion of the natural process that women experience and not an innate deficiency. So, at this particular point of time, women's spiritual practices are not "whole" since the canonical prayers is omitted. However, according to Islamic law, a woman who misses the canonical prayers due to her monthly cycle does not have to repeat the prayers, meaning she does not lose any spiritual benefit or reward. Generally speaking, any blameworthy trait can be replaced by its opposite thus making it meritorious. In the case of a woman not being able to pray due to her monthly cycle, it cannot be replaced by praying since the meritorious thing to do, rather what is mandatory, is to seize from prayer in accordance with the Shari'ah. Thus, the deficiency is not a blameworthy deficiency that causes one to accrue sin, but rather a natural "deficiency" that one submits to in accordance with the Will of Allah. The term "deficiency", used in the text, should be understood as a technical term and not a derogatory one.

If these two previous points are clear, then one should understand that the Prophet's

statement was not an insult or some sort of male-oriented legislation, but was one made in a playful manner describing something common in women, but not always true and not something that reduces them in rank and station. The intellect is something that is a Divine gift given to men and women and both have an equal opportunity to increase its use or to reduce its capability.

The intellect or rational capacity of humans is what has given them the position of *taklif* or accountability by the Divine. Both men and women are equally accountable before Allah for their actions, meaning they can be equally rewarded or punished for their actions. The interpretations regarding this Prophetic text, that deny the equality of men and women upheld by Islamic teachings, also deny the equal accountability of both men and women that is commonly found throughout the Qur'an and Prophetic teachings. For example, if one were to uphold that women were inferior and weaker than men, that would mean that their reward in devotional actions are also reduced, however such is not that case as is made clear in verse 3:195.

Women's rank within Muslim societies has always been to prepare a new generation to further the community and bring honor to all Muslims. The women's *jihad* has always been the rearing of her children, to ensure that they were educated and socially refined hence the well-known Prophetic text that "Paradise is at the feet of the mothers". Anyone who interprets the above Prophetic text and others to mean that women are deficient in a blameworthy way undermines not only the spirit of Islamic teachings, but also puts the entire community in grave danger as it takes away this fundamental role away from women. It is to go against the verse in the Qur'an that says, "*O ye who believe! Give your response to Allah and His Messenger, when He calleth you to that which will give you life; and know that Allah cometh in between a man and his heart, and that it is He to Whom ye shall (all) be gathered.*" (8:24) Part of answering the call to that which will give us life as a community is to fulfill our responsibilities and not fight or rebel against them. True freedom is freedom to submit, not freedom from submission.

The late Azharite scholar Muhammad Shaltut said regarding the general role of women in Islam the following:

Islam has recognized the natural dispensation of women to be one of intellect, perception and understanding. She has responsibilities independent from the responsibilities of men, she is responsible for herself, her devotional actions, her home and her society. She is not less than a man as far as responsibility is concerned and she holds the same rank as a man as far as reward and punishment is concerned and she is neither benefited nor harmed by what men do as far as reward and punishment are concerned. The Qur'an states, *"If any do deeds of righteousness, - be they male or female - and have faith, they will enter Heaven, and not the least injustice will be done to them"* (4:124) and also *"And their Lord hath accepted of them, and answered them, 'Never will I suffer to be lost the work of any of you, be he male or female: Ye are members, one of another'"* (3:195)⁹

This phrase “*ye are members, one of another*” is one that recognizes that the woman is part of the man and that the man is part of the woman, both work together in society and both need one another in order to survive. Both are rewarded according to their actions, “*men are allotted what they earn, and to women what they earn (4:32)*”. Their mutual task is to spread truth and call to righteousness, something that can be thought of as the staple of Muslim society. The Qur’an says regarding this:

The Believers, men and women, are protectors one of another: they enjoin what is just, and forbid what is evil: they observe regular prayers, practise regular charity, and obey Allah and His Messenger. On them will Allah pour His Mercy: for Allah is Exalted in power, Wise (9:71).

This is not something that can be given to a person that is considered weak and inferior. Having both men and women work side by side for the betterment of society is what, according to these verses, provides social stability.

For many years, Muslim scholars and thinkers from around the globe have struggled to present these issues to both Muslim and non-Muslim audiences in order to clarify misconceptions and help protect the rights of women. Islam is very clear in its view on the role of women in society, especially given that these concepts were codified well over a thousand years ago. However, there are some striking differences between Islam's view of women and what is commonly talked today about "women's liberation". Islam sees both men and women as different halves to a whole, each completing the other. This means that each half is equally important to the other and in an ideal situation both the man and the woman are contributing to not only family life but also the greater community. However, this does not mean that the two halves are exactly alike for as the Qur'an says "*and the male is not like the female (3:36)*". This is what the Qur'an narrates as the words of the wife of 'Imran, mother of Mary, when she asked Allah for a male-child to dedicate to His service. After giving birth and seeing that it was a female, she said, "And the male is not like the female",

meaning that the gift she was given, a female child, is better than what she had asked for¹⁰. Men and women play different roles in society making them not exactly like one another in function. This diversity leads to balance. Yet both men and women share the same cosmic role as vicegerents on earth. They are able to fulfill this great responsibility through their various functions.

Women and Authority

Conception

Islam is a patriarchal religious tradition in which men are in control of all societal affairs. Women are mistreated and not recognized as able to be placed in positions of authority and they are considered inferior and unfit for such positions.

Response

Guardianship and authority is a translation of the Arabic word *wilayah*, which means a person who is close to another and through this closeness becomes responsible over them¹¹. The word *wilayah* is used for both guardianship and a

person in a position of authority. The word *wilayah* appears several times in the Qur'an in the following context:

- *Allah is the Protector (Wali) of those who have faith. (2:257)*
- *And Allah is the Protector (Wali) of those who have faith. (3:68)*
- *For my Protector (waliy) is Allah Who has revealed the Book (the Qur'an). (7:196)*
- *Ye owe no duty of protection to them. (8:72)*

These verses and many more demonstrate that the Arabic word *wilayah* in fact apply very much to women who are in positions of authority and guardianship at many different levels of society. The most important and the most striking is a woman's authority and guardianship over fiscal matters. Women, according to Islamic law, are able to own property and possess investments that only they have authority over. They can invest as they please, dispense their investments as they will, to the point that their husbands have no right whatever to control them. Neither does she have to use this wealth for family matters as this is the soul responsibility of the man. This is a Divine

right that is upheld by the different legal schools and protected by courts of Islamic law. Women are also in a position of authority as far as marriage is concerned. A woman has full right to accept and reject proposals as she sees fit and cannot be coerced into a marriage that she rejects.

Authority is also extended to women inside the home. Women, as wives and mothers, are in a position of authority in household matters and in matters of child rearing. The Prophet of Islam is reported to have said:

All of you are guardians and all of you are responsible for those under your guardianship. A ruler is a guardian over the people and thus responsible for them, a man is the guardian of his family and is responsible for them, and a woman is the guardian of her husband's home and children and she is responsible for them¹².

This is perhaps the most powerful textual proof of the importance of women as viewed by Islam. There is a clear division of labor coupled with mutual consultation in order that both the

husband and the wife provide for the needs of their families and homes.

Since there is no normative legal state in Islam, differing views do exist. There are valid legal opinions that limit a woman's authority to matters within the home. These opinions, however, do not represent the norm of Islamic societies as has been demonstrated by narratives of women above and in the previous chapter. There is a level of conservatism among jurists when it comes to gender issues; however, what has been manifested historically is the involvement of women in nearly every aspect of the public sphere.

The main source of the conception that Islam does not welcome or accept women to hold authority is the Prophetic saying "No people will prosper who are under the authority of a woman"¹³. The main problem in people misquoting and misusing this text is that the sentence "no people will prosper who are under the authority of a woman" is actually only part of the original text. The entire text begins with a

group of people from Persia entering Madinah. The Prophet of Islam then asked them, "who is the guardian of Persia?" They responded, "a woman" to which the Prophet of Islam said, "no people will prosper who are under the authority of a woman". The Prophet's question "who is the guardian of Persia" is the key to understanding the meaning of this text and its impact in Islamic law. The "Guardian of Persia" is the equivalent to the Muslim Caliph, the supreme leader of the entire Muslim people. According to Islamic law and by consensus of Muslim jurists, this position can only be held by males. However, any other type of public leadership position, even the heads of modern national states can be held by women. So, the Prophet of Islam was asking about the supreme leader of the Persian people and upon hearing that it was a woman, he responded according to his own teachings that the situation in Persia will not persist since the supreme leadership must be with a male member of society. Since this is an extremely rare position, in fact the position of the Caliph no longer exists; the whole discussion of what public positions women can and cannot hold is mute.

As for the issue of women serving as judges, it is important to mention a few introductory points. The first is that the discussion of women serving as judges is part of the Islamic legal tradition as an issue whose legal position was established by jurists and not by textual proof. In other words, there is no clear verse of the Qur'an or saying of the Prophet that provides a clear position regarding women serving as judges. This issue is not an issue of devotional practice whose rulings are solely based on primary textual evidence. Rather, it is an issue of social interactions in which the jurists use the principles of jurisprudence to derive the most appropriate ruling. These positions even though valid for their period can be overruled in light of new evidence or differing social situations. This is why Islamic law is an ongoing process and why rulings can change from community to community, and from time to time. The second is that the topic of women serving as judges has been a subject of scholarly debate within juridical circles and as such is not something that has achieved scholarly consensus. This means that no one can claim an absolute legal stance on the issue

and the door for differing opinions is open. Thirdly, the fact that women were not judges in the early history of Islam can not be equated to a prohibition. The normal situation of that period was for women not to enter such positions. However, it was also extremely rare for women to engage in military struggle, yet many women in the early history of Islam were involved in battles as they were needed and deemed necessary. Social norms do not dictate permissibility or prohibition. Fourthly, those schools of thought, such as the Shaf'i, that prohibited women from serving as judges were built upon the Caliph only being a man. While a valid opinion within the scope of Islamic law, it does not represent by any means the majority opinion.

The Hanafi School, which represents the largest school in Sunni Islam, allows women to serve as judges in all situations except those of capital murder. They built their position on the permissibility of women to serve as witnesses discussed previously. The opinion of Muhammad Ibn Jarir Tabari (839-923 C.E./223-310 A.H.) allows women to serve as judges in all

circumstances building on the fact that women can serve in *ifta* positions or positions giving legal rulings whose validity is established by the consensus of Muslim jurists. Abu Walid Ibn Rushd (520-595 A.H./1126-1191C.E.), the grandson of the famous philosopher, said regarding this issue that “what is firm and sound is that anyone who can achieve and arrive at a conclusion between people has proven their ability to judge is established and is deemed permissible except for the caliphate whose position has been determined by scholarly consensus¹⁴. The underlying principle in permitting women to serve as judges is that the goal of the judge is to rule and issue verdicts based on clear evidence and uphold justice something these jurists held women as being able to do.

The gender of the judge, however, is not the only thing that has been discussed as a criterion. Both the Shaf'i School and some scholars of the Maliki School made a condition of a judge that they be a *mujtahid* or at the level of deriving rules from primary sources without having to follow the

rulings of one of the four legal schools. The Hanafi school does not hold this as a condition and even says that one who cannot read nor write, however is well versed with the rulings, can be a judge¹⁵. Thus, gender is not the only condition that jurists have discussed in outlining the role of a court judge.

The position of the judge in classical Islamic law is a position that requires the individual to derive rulings from the primary sources when no ruling exists. This means that the law rests on the efforts of these individuals. In the modern period, courts simply execute judgments that already exist and that are already codified and any "new ruling" is really an interpretation of an already existing ruling and/or precedent. In this sense, the position of the judge is a distributor of the law which is different than the Islamic model. Since the modern system of law is not based on the individual deriving law, then both men and women are free to participate, as there is no textual evidence to the contrary. That is to say that the discussion of women serving as judges or not is only applicable to an Islamic court system.

This difference in systems is really at the heart of the matter of women in leadership and authority positions. The classical Islamic system, the system that the classical jurists knew and based their rulings on, is one where authority rested with the leader of the community and the law was dictated by the jurists. This is not to imply that power and authority was absolute; jurists were the admonishers of rulers and any ruler had countless advisors and ministers. However, the person in charge was the one accountable as his position was seen as a steward of Allah on earth. Today's system of government is democratic and power is distributed, theoretically, among different branches of government. The same applies to the legal system. In this situation, women have full participatory rights as do men; in the classical system however, only men could serve as the caliph.

In summary, it should be clear that the issue of a "woman" being a judge and serving as the issuer of rulings is not an issue at all. In other words, it is not an issue that a female should serve in this position, but rather someone who is able

and knowledgeable enough. This is especially true in today's world where the legal system is structured in a completely different way than the legal system at the time of the codification of the books of Islamic law. This is also the case when considering women in leadership positions, making it possible and permissible for women to participate in all forms of leadership in the modern world. It is the task of modern Muslim jurists to take all this into account in issuing new rulings in these areas which, as has been stated, are not immutable and etched in stone.

“Men Have a Degree over Women”

Conception

The Qur'an clearly states that men have a degree over women (2:228). Islam accordingly holds men to be superior to women and women must therefore obey the commandments and directions of their respective “man”. This has caused the rights of women to be taken by force and left many helpless.

Response

The Qur'an does in fact clearly state that men have a degree over women. The issue becomes, as we have seen in previous conceptions and responses, understanding the context of the verse and how jurists have used the verse and their understanding, both linguistic and legal, of the term "degree". The verse of *qawamah*, as it is commonly referred to, is found in the fourth chapter verse 34:

Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means. Therefore, the righteous women are devoutly obedient, and guard in (the husband's) absence what Allah would have them guard. As to those women on whose part ye fear disloyalty and ill-conduct, admonish them (first), (next), refuse to share their beds, (and last) strike them (lightly); but if they return to obedience, seek not against them means (of annoyance), for Allah is Most High, Great (above you all).

One of the greatest companions of the Prophet of Islam who was given the title “the Authority Scholar of the Muslim community” ‘Abdul Allah Ibn ‘Abbas (3-68 A.H./619-687 C.E.) commented on this verse by saying, “I like to beautify myself for my wife as I like her to beautify herself for me”. This demonstrates that the degree spoken about in the verse does not nullify the gender equality of men and women in Islam. The Arabic word *qawamah* has been translated above as “protectors and maintainers”. This translation correctly captures the meaning of the “degree” so often misunderstood by both Muslims and non-Muslims. The degree that men have over women is a degree of responsibility and a degree of giving. In other words, Allah is reminding men that they need to give to women more than women need to give to men and He is also reminding men that they have more of a responsibility towards their women folk and family than women have. Whenever the Qur’an sets out to remind, it is always directed at the party that tends to forget. An example of this is the many verses in which Allah reminds children to be good to their parents. No reminder is needed

for parents to be good to their children as this is an inherent quality that Allah has endowed parents with, mercy and love for their children. Likewise, Allah does not need to remind women to give of themselves for the sake of their husbands and families since women by nature tend to give more than men.

However, aside from needing to remind men of giving, there is something extra that men have over women, a degree of responsibility. This is not simply an exegesis of the verse in question, but also manifests itself in a like manner through legal injunctions governing the marital relationship. In these rules, husbands have more rights that they need to give their wives than wives have to give their husbands. So, the degree that the verse speaks about is an extra set of responsibilities that men have to ensure women have. The act of not giving women their rights by men serves as basis for a judge allowing a woman to divorce her husband to protect her from tyranny, or what we would call today domestic abuse.

Furthermore, the degree a man has over his wife is not to be interpreted as some special force men are granted by Allah to dictate to their wives and family what they should and should not do. The concept of mutual consultation (*shura*) mentioned as attributes of the believers "*Those who hearken to their Lord, and establish regular Prayer; who (conduct) their affairs by mutual consultation; who spend out of what We bestow on them for Sustenance.*" (42:38) is also extended to familial interactions. This process leads to harmony and balance in the family as the decision making process is built around consensus building and input from both the man and wife and not unilateral decisions¹⁶.

This is also reinforced by the example of the Prophet of Islam who was commissioned with spreading the Divine message and leading the Muslim community. In doing so, he made council with his wives on many occasions. His wives thus shared in their husbands overall responsibility towards the community. The Prophet of Islam is reported to have said, "Women are the other halves of men"¹⁷. Upon being asked how the

Prophet of Islam was in his home, his wife 'Aishah responded, "He was a man among humans, he patched his clothes, milked his goat and served himself"¹⁸. This was his demeanor even though he had a degree above the entire Muslim community. During the farewell pilgrimage, the Prophet of Islam reminded his community to treat their women folk well and to not abuse them. He said:

Be good to your women for they have been entrusted to you and you have no power over them other than this trust except if they should transgress. You have rights over your wives and they have rights over you so fear Allah in your women and treat them well. I have informed you, so Allah be my witness¹⁹.

These Prophetic examples, along with the many other Qur'anic verses such as (3:195, 30:21, 2:187, 4:21), serve as the examples for men-women interactions which are ultimately based on gender equality.

A “degree” of authority is a necessary quality in any leader, meaning that a leader is able to lead when he/she has the proper resources and skills to lead. If these resources were to cease to exist, then the very essences of leadership would also cease making the position null and void. In reading the verse that men have a degree over women, this also applies. Not every man can be a leader for every woman; rather a man who has the proper resources is given the responsibility of leadership. The verse giving men a degree of responsibility and hence leadership over women is annulled if men cease to have the needed qualities and resources allowing women to assume the position of authority and leadership of the family. Men have been ordered by Islamic law to provide for their wives and families and to go out and work to sustain their families to the point where their wives are given everything they need to survive. These are the resources that allow men to have a degree of responsibility and giving over to their women and hence make them leaders of the family. Should the man be incapable of doing this, his role as leader and his “degree” vanishes.

This understanding of the marital relationship and the role of men in general vis-à-vis women as outlined by scholarly interpretation of the Qur'anic verses and Prophetic sayings mentioned above were compromised, however, as the Muslim body politic grew and more cultures came into the folds of Islam. The legal tradition of Islam upholds the equality of genders but this is not necessarily the case with each and every culture. As Islam spread rapidly, there was such a strong influx of patriarchal cultures that much of these themes were mixed with religious teachings. This is why we find some legal literature in which a man "makes a contract to own the private parts of his wife". Other than being ridiculous and refuted by other jurists, this shows the degree to which outside cultures attempted to influence legal injunctions.

In his exegesis of the Qur'an, the late Shaykh Shaltut says that the marriage contract is not one of ownership or possession, but rather is a "strong covenant" (*mithaq ghalith*). This ties the heart of the husband and the wife together where their marriage is built on three fundamental

principles: tranquility, compassion and mercy²⁰. Shaykh Shaltut also points out that the phrase “strong covenant/*mithaq ghalith*” appears nowhere else in the entire Qur’an save in describing the marriage relationship. Thus, a special phrase is used to describe the relationship between husband and wife that is reciprocal and not biased to one or the other. Shaykh Shaltut also goes on to explain the meaning of the degree men have over women and says:

The chapter of the Qur’an “the Women (*an-Nisa*)” clarifies the meaning of the degree that Allah has given men over women after their rights towards one another are outlined. This degree does not exceed the degree that a man has over his wife through working and providing materially for the family, something that is a natural trait of men in relation to their women. This is not a degree of servitude or ridicule as ill-minded people commonly think²¹

The notion that the degree a man has over a woman is one of servitude, master-slave, is counter to the scholarly understanding of the

primary sources and has been the cause for practices that have harmed women and the family during many epochs in Islam's history. The only way to do away with these false understandings, and hence practices, is to understand the texts the way the scholars understood them and not take matters into our own hands since ultimately what the scholars note and right is the religion of Islam.

It should be made clear to those who look down upon women and subjugate them to humility that they understand that men alone do not have a monopoly over *qawamah* or authority; rather it is shared between men and women. This is what is mentioned in the rigorously authentic prophetic text that:

All of you are guardians, and all of you are responsible for those under your guardianship. The ruler is a guardian over the people and is responsible for them, the man is a guardian for his family and he is responsible for them and the woman is a guardian for her husband, home and children and she is responsible for them, indeed all of you are guardians

and all of you are responsible for those under your guardianship²².

This guardianship is a shared enterprise between men and women based on experience and efficiency of executing the responsibility. If the guardianship of man is distinguished for his ability to go out, provide, and protect his family, a woman's guardianship is distinguished for her ability to rule the kingdom of the home and raise her children in the best of ways. The guardianship is a division of labor, provided as a guideline to achieve equilibrium in the home. This is to prevent latchkey children, who grow up only knowing characters on the television and gain their morality by watching athletes get away with drug use and immoral behavior. It is true that not every situation is ideal and in some instances roles overlap, however the ideal is there for all to aspire to and work towards.

Lastly, some remarks should be made in regards to the portion of the verse that says, "*Then strike them*". According to this verse, there are two types of women, those who are Allah-fearing

and pious and those who are recalcitrant. This portion of the verse is in regards to the latter group of women, meaning that when a man is confronted with a situation in which his wife is being recalcitrant, meaning she is threatening the structure of the family by violating her legal boundaries and not that she is simply getting on her husband's nerves, and things are getting out of hand, he has one of three options, he can either admonish her, or he can avoid her sexually for three days but remain in the same bed with her as an indication of his anger and lastly he is permitted to "strike" her. As we have stated before, the Qur'an begins with the reality of the human condition and this verse is one of those verses that can not be understood unless this basic principle is made clear. The Qur'an, in dealing with the institute of marriage as a whole, is laying down rules for *everyone* to follow and not a certain group. Accordingly, there are different kinds of women, some are educated and independent, others are simple and more traditional and with each group there is a specific method to deal with tension. This is why in the original Arabic the word "*aw/or*" is used meaning

the man can do this *or* that *or* the other thing. This is opposed to if the word "*thumma*/and then" was used in which case the verses injunctions would be equally applied in every situation in the same way, something that would be unfair given the fact that there are different types of women and men.

Before turning to the heart of the matter, namely the portion of the verse "*and strike them*", it is important to mention Islam's position on domestic abuse. Abuse against any human being in Islam is considered a sin as it goes against the general belief that all humans have been honored (17:70) and therefore it is strictly prohibited. Specifically domestic abuse is abhorred by the jurists and if a man beats his wife, the act itself is considered to nullify the marriage! The portion of the verse "*and strike them*" is not telling men to beat there wives as some ill-minded people would hold and it is important to understand exactly what it means.

We should begin by turning to this verse's discussion in the famous hadith collection of

Bukhari. This portion of the verse is placed in the section entitled "What is reprehensible in striking women and the statement of Allah '*and strike them*' meaning a strike that leaves no trace", after this title, Imam Bukhari provides the following Prophetic text to further explain: "Do not hit your wives like slaves and then sleep with them at the end of the day"²³. The key to understanding the portion of the verse "*and strike them*" hinges on the linguistic meaning of the verb *daraba* which is alluded to in Imam Bukhari's discussion. The verb *daraba* found in 4:34 is the same verb used in the legal texts to discuss dry ablution. To fulfill the obligations of dry ablution, one has to "strike the ground" (*yadribu al-'ard*). Certainly, this does not mean that one beats the ground and pounds it but rather *lightly taps* it to gather up the needed earth to fulfill the requirements of dry ablution. Applying this to the verse, we see why Imam Bukhari places its discussion under the title quoted above and commented with the Prophetic text of not beating wives like slaves to show that what is meant by "*strike them*" is not to beat them but rather to lightly tap them as found in the situation of dry ablution. We know from another

Prophetic text that it is impermissible to strike anyone in the face even an enemy in battle; it should be even more the case with one's spouse²⁴. Furthermore, we read in texts of Islamic law that it is absolutely prohibited to strike with an object and that the strike should be done with an open hand or even a folded handkerchief²⁵! The jurists and scholars of hadith also say that the strike should be one that leaves no trace whatsoever²⁶.

If one strikes lightly, like one strikes the ground when making dry ablution, and if one is to avoid the face and strike with an open hand or handkerchief and leave no trace whatsoever, then what exactly is the verse talking about? The verse lays down three methods to deal with a recalcitrant wife each one being specific to a certain type of women. For some women a simple word of admonition would solve the problem, for others a man not approaching his wife sexually for a few days would do the trick and lastly some women might be so set on their recalcitrance that a "strike" is needed. This "strike" is something that takes place on the shoulder or the hand as a sign to say, "Hey, wake up; this is getting out of

hand". This strike is more like a tap to introduce the physical touch to serve as an indication of the severity of the situation in order to have the wife reverse her actions, it is not meant in itself and this is why a strike that leaves a trace is prohibited.

The reason that this is given to the man is that as we have stated above, he is considered the leader of the family. His directives should be followed as long as they are according to Islamic principles and are not absurd or taxing. In the case that the man has overstepped his boundaries, the wife has recourse to the courts. In other words, if her husband is being abusive, either verbally or physically, she has the right to go to the court directly without having to deal with her husband and in so doing, have the state interfere which more often than not involves the judge ordering the husband to be physically punished and if it is bad enough, he issues a divorce to protect the women from further injustice. In areas where there are no Islamic courts, the woman can go to local authorities to assist her. When seen in this light, the wife is well-protected and one should

move beyond a superficial understanding of this verse or any others.

Conclusion

This chapter in no way covers all the issues regarding women and their role within Islam, but rather looks at some of the salient concepts in the discussion. At least two things should be clear; one, that Qur'anic verses and Prophetic texts need to be understood from the legal perspective and two, common practices need to be separated from religious teaching. This is not to avoid gross injustices towards women and other minorities within the Muslim world, but rather is a necessary step to addressing them.

Chapter Two Notes

1. This Prophetic text (hadith) is narrated in the collections of Bukhari, Tirmidhi and Ibn Majah.
2. Jawziyyah, Ibn Qayyim *al-Turuq al-Hikmiyyah fi al-Siyasah al-Shar'iyah*, ed. Muhammad Jamil Ghazi (Cairo: 1977) p. 34.
3. *ibid*, p103-105, 219, 236.
4. *ibid*, p198.
5. *ibid*, p98, 113, 123.
6. *ibid*, p115-117.
7. This Prophetic text (hadith) is narrated in the collections of Bukhari and Muslim.
8. This Prophetic text (hadith) is narrated in the collections of Bukhari, Muslim, Nisa'i Abu Dawud and Ahmad.
9. Shaltut, Muhammad *al-Islam 'Aqidah wa Shari'ah*, (Cairo:1970) p. 223-228.
10. Sabuni, Muhammad 'Ali *Mukhtasar Tafsir Ibn Kathir*, (Cairo: Dar al-Sabuni) vol. 1; p. 288-289.
11. See *Lisan al-Arab* (Cairo: Dar al-Ma'arif).
12. This Prophetic text (hadith) is narrated in the collections of Bukhari, Muslim and Ahmad.

13. This Prophetic text (Hadith) is narrated in the collections of Bukhari, Tirmidhi, Nisa'i and Ahmad.
14. Ibn Rushd, Abu Walid *Bidayat al-Mujtahid wa Nihayat al-Muqtasid*, (Cairo: 1974) vol. 2, p. 494 and also see Mawardi's *Adab al-Qadi* (Baghdad:1971) vol. 1, p. 625-628 as well as his *Ahkam al-Sultaniyyah* (Cairo:1973), p.65.
15. Ibid (*Bidayat al-Mujtahid*), p. 493-494.
16. This concept of *shurah* is also upheld in the Qur'an where a detailed discussion of breastfeeding occurs (2:233).
17. This Prophetic text (hadith) is narrated in the collections of Abi Dawud, Trimidhi, al-Daramy and Ahmad.
18. This Prophetic text (hadith) is narrated in the collection of Ahmad.
19. Hamidullah, Muhammad *Majmu'at al-Wathaiq al-Siyasiyah lil 'ahd al-Nabaway wa al-Khilafah al-Rashidah* (Cairo:1956), p. 283.
20. Shaltut, Muhammad *Tafsir al-Qur'an al-Karim* (Cairo:1979), p. 172-174.
21. ibid.

22. This Prophetic text (Hadith) is narrated in the collections of Bukhari and Ahmad.
23. 'Asqalani, Ibn Hajr *Fath al-Bari bi Sharh Sahih al-Bukhari* (Cario: Maktabat al-Salafiyyah 1408 A.H.) Vol. 9, p. 213-215.
24. ibid and vol5 p215-217.
25. Bajirmi, Sulayman *Bajirmi 'ala al-Khatib* (Cairo: Maktabat Mustafa al-Babi al-Halabi 1951) vol3 p405-406.
26. ibid.

Chapter Three

Misconceptions Regarding Certain Rulings and Prescribed Penalties

Introduction

Those who look at religion devoid of its Divine origin almost always tend to see it as a strict system of rules and regulations, things that one must do and others one must avoid. While it is true that religion in general does have a specific approach to the proper way one should live his/her life, yet these rules, prohibitions and even punishments need to be seen in their full light, as part of a whole. To look at them in an isolated manner is to grossly misunderstand basic tenets of faith and violate the very methodology that holds a religion together.

What this chapter aims at is to discuss some of the common conceptions people have towards some of the prohibitions and prescribed punishments in Islam and offer the proper methodology by which to understand them. The discussion below is in no way meant to be exhaustive but offers a glimpse of the spirit of the Islamic legal tradition.

Fasting

Conception

Fasting is an arduous process that leaves the fasting person physically weak and unable to be productive. On a mass level, this hurts a society by tremendously reducing its productivity.

Response

As the Qur'an mentions, fasting is not something unique to the Islamic tradition. The Qur'an states, "*Fasting has been prescribed on you as it has been prescribed on the people before you in order to teach you Allah consciousness*" (2:183). Different religious traditions still have fasting as an integral spiritual practice in one form

or another. In the Islamic tradition, the canonical fast takes place during the ninth lunar month, Ramadan. The person begins fasting at dawn abstaining from food, drink, sexual intercourse, bad thoughts, words and deeds until the sun sets. Since this covers the majority of the working day, it is this that perhaps has led to the conception that fasting reduces individual and societal productivity.

The ultimate goal of fasting in the Islamic tradition and other religious traditions is to polish one's self to be more aware of the Divine, which is the source of all goodness and happiness. It is one of the highest spiritual practices and converts ones every moment from a horizontal dimension to a vertical one in which Allah is being witnessed at every moment. This provides extra spiritual energy, which allows for more productivity that would otherwise be unattainable. The proof of this is that throughout Islamic history, many of the significant battles were fought during the month of Ramadan, such as the battle of Badr and the opening of Spain.

What is found today in many of the Islamic countries of laziness and lack of work during the month of Ramadan has more to do with a modern problem of apathy and lack of motivation rather than the weakening effects of fasting. The month of Ramadan is a month of extra worship and spiritual motivation where one breaks his or her normal routine and supplements it with a routine of extra prayer, charity and kindness. Many Muslim societies today have sought to capitalize on Ramadan as a month of partying into the late hours of the night. It is this exhaustive schedule, and not the fasting itself, that causes a lack of motivation to work.

Ramadan is a time for introspection on an individual and communal level. In many ways, this makes it the saving grace of society. For an entire month, the entire population is asked to give up worldly attachment and concerns and focus on improving themselves and their social bonds. If this occurred in every city, be it Muslim or non-Muslims, many of society's problems could be addressed on a yearly basis with no extra cost to government. It is in this way that fasting

does not slow productivity but increases the quality of life for individuals and the larger community.

The *Zakah* (Poor-Dues)

Conception

The alms in Islam allow the rich to receive more reward than the poor since they have more to give and the act of giving is so highly rewarded in Islam.

Response

Zakah is one of the earliest forms of state taxation. This was a notable change from previous forms of taxation in which rulers took taxes from their subjects based on their desire, raising and lowering taxes as they pleased. In these instances more often than not heavy taxes were levied on the poor and light taxes, if any at all, were levied on the rich. The Shari'ah, however, imposed a set tax, *zakah*, on the rich and middle classed people and exempted the poor¹. Another difference is that the alms in Islam is not simply a financial transaction, but is also an act of worship just like

prayer and fasting. In fact in all legal books of the four Sunni Schools, *zakah* falls under the section of *'ibadat* or devotional acts and not *mu'amalat* or social dealings. Thus, *zakah* is a *qurba* or an act that draws one near to Allah and by so doing purifies their wealth which is the exact linguistic and technical meaning of the word *zakah*².

The poor people of the Prophet's community complained to him that they felt *zakah* allows the rich an extra opportunity to get closer to Allah and felt that this was unfair and unjust. Upon hearing this complaint, the Prophet of Islam told them to increase in *dhikr* (invocation) and say "Praise be to Allah, all thanks to Allah and Allah is Greater thirty three times after each canonical prayer" to offset their perceived imbalance. This would thus give them an equal status with the wealthy that were able to pay the *zakah*³. This demonstrates that the act of *zakah* is an act of devotion and the ultimate goal at the end of any devotional act is to draw nearer to Allah. The one who does this best is the one who is higher in rank as the Qur'an says "*and the best of you with Allah is the one that is most Allah fearing*" (49:13).

Achieving fear and consciousness of Allah is not solely based on one devotional act but can be achieved by a number of ways. This is why in Islamic ethics intention is monumental and the basis of all actions as the well-known Prophetic text “Indeed all actions are based on intentions and to everyone is what they intended”⁴. Accordingly, the poor person that wishes to give money but is unable is rewarded based on his/her intention as if he/she gave, thus giving them the same reward as the wealthy. At the same time, it is possible that a wealthy person intends ostentation by giving money and is rewarded for this which is less than the poor person who intends to give for the sake of Allah. Outward actions are but forms that are built on intentions and it is the intention of people that changes their actions into good or bad.

Prohibition of Pork

Conception

The prohibition of pork and all pig products in Islam is unfounded and represents an extreme

way of thinking that is indicative of Islam's constraint on human actions.

Response

Islam is not the only religious tradition that has prohibited the eating of pig. The oldest western tradition, being the Jewish, prohibits the eating of Pork and today both Orthodox Jews and Conservative Jews who keep kosher both in and outside the home adhere to this and other dietary injunctions strictly. Even though the prohibition against pig was lifted by Paul⁵, this does not seem to be the desire of Christ who said that he came to complete the message of the Torah and not to abrogate it. Eastern religions also have prohibitions against pig as part of a general prohibition against meat. Pig meat has been viewed by many religions to be unclean and unfit for a spiritual life.

Islam's prohibition of pig meat is nothing more than following in line with other religious traditions that prohibited pig meat prior. The Qur'an clearly states the claim against pig meat four times throughout the Qur'an⁶. Other than

being a religious injunction, there is much today as far as scientific work to demonstrate that the meat of a pig is not healthy for human consumption. The verses prohibiting pig meat in the Qur'an also prohibit the consumption of blood and dead animals, animals that have died naturally and have not been slaughtered. It has been scientifically established that dead meat and the blood of animals contain microbes and bacteria that are harmful and these same microbes and bacteria are found in pig meat that is why the three have been listed together. However, it is not the scientific proof that legitimizes the prohibition. The Islamic position is that these are Divine prohibitions and are to be followed regardless of our understanding of them.

Prescribed Penalties

Introduction

In order to understand some of the specific prescribed penalties in Islam, it is worth spending some time making general introductory remarks

in regards to the general principles behind the penal system in Islam.

The penal system in Islam is very clear and its rules and punishments are well laid out. These rules, and especially the punishments, are often times seen as harsh. However, it is this very harshness that helps serve as a deterrent against a high frequency of crime within society. This is not to say that crimes are not perpetuated and punishments are not executed, but when this occurs, as rare as it is, it re-establishes the moral integrity of the community. This is because the reason the punishments are set the way they are is that the crimes themselves are considered high and severe, as we will see below.

The penal system in Islam is part of a whole system of belief and way of life. Since Islam begins with the reality of the human condition, governing how crimes are dealt with becomes necessary. As we have seen before; the rules of the penal system are derived from the primary texts of the Qur'an and the corpus of Prophetic literature. As such, the same

methodology is applied and the penal system therefore must be understood in its entirety.

Lastly, it should be mentioned that the penal system in Islam is primarily based on mercy. This is why the jurists have adopted a general principle that allows them to drop any case of doubt. This means that any case that has any degree of doubt can be thrown out without any punishment being executed. The flip side of this is that any crime that has a punishment meted out is only done when there is absolute certainty.

Theft

The Shari'ah has provided many tools to ensure the financial well-being of a society living under its shade. Islam has permitted the owning of private property, investing one's wealth and establishing religious endowments (*awqaf*). This same spirit is also extended to the poor of society who do not have this same luxury. The state is supposed to have a treasury (*bayt al-mal*) to spend on those needy. The *zakah* is also incumbent on those who can afford it and this *zakah* is given to the poor and needy to help them get by and

survive. This means that whether one is poor and needy or wealthy, the protection of wealth and the distribution of wealth are commissioned and governed by the Shari'ah. For our discussion, this has two main repercussions; one is that there is no need for theft if the above system is well established, running and enforced and two, the person who does steal has transgressed this system that has been set precisely to save them from their action. Their crime is thus seen as a heinous one and deserving of a punishment.

Since the ruler is commissioned with establishing a just system ensuring one's financial prosperity, rich and poor alike, it is very much his burden to prevent theft. This is why we find within the books of Islamic legal thought that in a situation when a system of governance is not well established and not providing the needs of the people, the actions of the people, even stealing to survive is not seen as a crime but rather as an indication of the injustice of the state. When, however, a system of governance is established and able to provide and hence stealing becomes unnecessary, the acts of the people such as

stealing are an indication of wicked behavior and ingratitude and therefore must be punished.

As for the specific prescribed punishment in regards to theft, it is only applied under the following circumstances:

1. The stolen object should be of value, this being established by custom.
2. The stolen object must have been under protection at the time of theft.
3. The stolen object should not have been consumed as food.
4. The prescribed punishment (the cutting of the hands) is not to be applied during times of famine.

If a theft occurs that does not fit into one of these general categories, then the punishment is left to the discretion of the ruler. In other words, a punishment is meted out, but not the cutting of the hands since this punishment can only be executed if all of its conditions hold.

Adultery

The issue of personal relationships and sexual activity, whether within the circle of marriage or outside it, is quite an important issue to the moral integrity of society. It is an issue that is dealt with in many religious traditions, both east and west, and has even become a topic of interest to secular moralists. Islam discusses this issue at length since it takes the preservation of lineage seriously as it has many spiritual and social consequences.

For those who are well-versed in western media's presentation of Islam, the issue of "stoning" the adulterer and adulteress is something that is well-known. Actually, there is a slight difference between those who commit fornication who are married and who are not married; the first's punishment being stoning and the latter's punishment being lashes. This prescribed punishment is perhaps one of the most misunderstood in Islam.

The first condition for this penalty to be applied is that there must be four witnesses to

have witnessed the sexual act, meaning the penetration of the male sexual organ in the female sexual organ. This condition is almost impossible to fulfill which is why we find in pre-modern Islamic communities the prescribed punishment for adultery was almost never applied. The second condition or rather the second aspect to this issue is that if anyone falsely accuses a woman of being unchaste, meaning they cannot provide the needed four witnesses, then they themselves receive a certain number of lashings, usually eighty, for their immoral conduct. These two aspects, not to mention the principle of dropping cases of doubt, make the penalty for adultery nearly impossible to perform and carry out. Perhaps it is more clear now that the penal system in Islam is largely preventative and helps curb the amount of crime. Furthermore, we find in Islamic ethics that it is praiseworthy to cover the wrongs of your brother and sister in faith. Meaning not to expose their sins and helping them seize their amoral conduct. Since the one who covers the sins of his/her coreligionists and advises them will have his/her own sins covered on the Day of Judgment as is stated in the famous Prophetic text.

Conclusion

If anything should be clear after this discussion is that it is extremely difficult to understand specifics of the Islamic legal tradition without understanding at least the general manner in which jurists interpreted verses, commands and prohibitions. This manner represents the consensus of the scholars of Islam which translates into the way everyday Muslims practice their religion.

Chapter Three Notes

1. Qutb, Muhammad, *Shubahat Hawl al-Islam*, (Cairo: Maktabat Wahba 1960), p. 91.
2. Bajirmi, Sulayman *Bajirmi 'ala al-Khatib* (Cairo: Maktabat Mustafa al-Babi al-Halabi 1951) vol. 2, p. 275.
3. 'Asqalani, Ibn Hajr *Fath al-Bari bi Sharh Sahih al-Bukhari* (Cario: Maktabat al-Salafiyyah 1408 A.H.) Vol. 2, p. 325.
4. See Bukhari's collection of Hadith, the section of Revelation (Bab al-Wahy).
5. Qardawi, Yusuf, *al-Halal wa al-Haram fi al-Islam* (Qatar 1978) p. 42.
6. 2:173, 5:3, 6:145, 16:115.

Chapter Four

Islam and Science

Introduction

The famous historian of science George Sarton discussed in his book *Introduction to the History of Science* the importance of the efforts of medieval Muslim scholars and the works they authored and translated from other civilizations. These translations, Sarton argued, played a tremendous role in the development of modern science. Largely due to the efforts of orientalists, many of these works have been translated into western languages and have been published in critical editions allowing the modern reader to access this genre of literature. However, since the History of Science has emerged as a separate field with its own sources and standards, these Arabic

originals have been marginalized. The scholars of this field now seek to trace the history of science not realizing that the Arabic sources and thinkers provide an important window into the development of science and thought. Sarton firmly believed that having access to these works and realizing their importance is imperative to see the development of human thought properly.

The situation in the Muslim world in general is not any different where teachers in schools and various institutions of learning are practically illiterate when it comes to the history of science in Islam. The Muslim world is constantly looking towards the "future" trying to "catch up" to the fast pace of western societies that is seemingly endless. This mentality looks at the history of science in Islam as a thing of the past having no contemporary bearing or benefit. Perhaps it is not surprising that many people are unfamiliar with the role that Muslims have played in the development of the different sciences, however those who have made the history of science their field of expertise and subject of their research must be familiar with these details. As a

field of study, the History of Science should be all encompassing leaving no era and no thinker out of the picture. Otherwise the integrity and the accuracy of the field would be compromised and its scholarship would not be authoritative. In some works on the history of science that include a section on the “Arabic Sciences”, an impression is given that science in the Arab/Muslim world was confined to one general geographic location with no communication with the larger community. While there are some legitimate arguments to this effect, in reality it limits a vast and largely unknown area due to ignorance.

The history of science in the Muslim world is a field that is relatively new and needs scholars who have dedicated themselves to studying both the intellectual history of Islam in its different stages and genres as well as looking at the different sciences within the Muslim world as they developed science by science, thinker by thinker.

It is not our purpose here to provide such a detailed narrative of the history of science in

Islam and the contributions that Muslim thinkers have given various fields. Rather, our purpose is to highlight and explain the approach of Muslim scholars to science generally and by so doing shed light on what is needed for Muslim thinkers today to revive interest in science under the context of the Islamic tradition.

Bridges of Knowledge

It is possible for us to talk about an Arab-Muslim intellectual miracle in much the same way we can talk about a Greek intellectual miracle. Some may object to the use of the word miracle but at least all would agree that what happened intellectually in the Greek world and what happened intellectually in the Muslim world was an incredible feat in human thought. This is why it is possible for Muslim historians to talk about the spread of Islam and Arabic to the point that it became the *lingua franca* of the world as a miracle from Allah¹. The Arabic language was the language of the tribe of the Prophet of Islam who knew no other language and who could neither read nor write. He was able to spread his message

of peace, equality and mercy far and wide all from this desert language. Furthermore, Arabic became the intellectual, economic and state language for the Muslim community spanning many cultures, races and language groups. Like the Hajj pilgrimage, the Arabic language became known as a uniting factor of the Muslim people and it became known as part and parcel of Islam².

The early Muslims of the Arabian Peninsula were invested with a cosmic mission to spread the message of Islam. They were successful in bringing many territories under their control. This presented one of the most powerful periods of state expansion in human history. However, this also marked the beginning of their efforts and challenges. Once the Muslims solidified their political control over various areas, they needed to ensure that the institutions they established were permanent. The early Muslims were predominantly Arab and were not very skillful in managing state affairs, especially one that contained many different cultural and religious groups; their expertise was war. They quickly realized that the people that they had

conquered were able to help keep the peace and teach them how to manage their new empire better than they could. An interesting relationship emerged between the ruling Muslim elite and the indigenous population where Muslims were taught by people from all backgrounds serving very much as the source of strength of the Islamic Caliphate. The early Arab Muslims learned that the knowledge these groups possessed was a direct result of the sciences that they had mastered. This marked the beginning of what we have termed the intellectual miracle of the Muslims. The ability of those early Arab Muslims who knew virtually nothing to master the sciences of their conquered populations in almost a generation certainly merits the word miracle³.

The leaders of the early Muslims realized rather quickly that they needed to know, understand and process the knowledge the Western world possessed. Since the Muslim community at this time was nascent and since they were close to the age of the Prophet of Islam, they believed deeply that they must learn to expand and survive. They had no idea of the

enormity of the task before them and it was most likely this ignorance that gave them the fortitude and will to persevere through the difficulties they encountered.

The real flowering of these efforts did not transpire until the latter half of the second Islamic century in the Sunni capitol of Baghdad. It was in Baghdad that two major civilizations, the Arab-Muslim and the Persian, came face-to-face each completing and adding to the other. It was a time of cross-cultural learning never seen before. The Persians were known for their intellectual heritage and the Arabs-Muslims for their eagerness to know everything coupled with their strong commitment to their faith. In a relatively short time, approximately 750-950 C.E., the Muslims, with large assistance from their Christian and Jewish citizens, were able to stock the libraries of Baghdad with the most important works known in the Western tradition and translate them. Many have written that this period represented nothing but Muslims holding the canons of the West until the West was ready to receive them back and move on with their

intellectual activities. They made the translations that occurred in Baghdad and other areas of the Muslim world during this period a mere footnote in the annals of history. This theory is not only difficult to believe but also factually incorrect. The Muslims not only translated works of Western philosophy and science but they commented on them and composed their own works in these fields. One merely needs to look at the list of Muslim philosophers, mathematicians, biologists, physicians, botanists, and astronomers etc to realize this fact. The reason why such theories are common, especially in the west, is that the general theme or pattern in Islam was a joining of the sciences under a larger theological framework where no contradiction or tension emerged between science and revelation. The opposite happened in the west where science became the enemy of religion and people like Galileo were forced to recant their scientific positions or face excommunication and/or death. When the west was ready to receive their cannon after a long absence, the path that Muslims took on was largely unfamiliar and the easiest thing was to say, "Thank you for holding on to what is

ours”; anyone knows that intellectual history is not that simple.

The Muslims of Baghdad used any and all resources they could muster for their efforts. Since the scholarly class at this time was predominately composed of Arabs who were not very conversant with other languages, non-Muslims who were conversant were employed. The intention was thus a genuine one for the sake of knowledge, for the sake of knowing and improving the quality of the world; to be part of the solution and not part of the problem. The Muslims did not just stop at accessing Greek works but also translated works from Sanskrit, Syriac and Old Persian. Baghdad soon became a depository for the intellectual legacy of three main civilizations: the Greek, the Persian and the Indian. This has been thoroughly mentioned in Ali ibn Riyad al-Tabari’s book *Firdauss al-Hikmah*⁴ as well as in the writings of Rashid al-Din who came after al-Tabari.

This not only gave Muslims access to different sciences and theories but it also allowed

them to take the writings and works of different cultures and fuse them together to enhance different fields. This is to say that Muslims not only translated and commented on works from the Greeks, Persians and Indians but also treated them as one giant intellectual block and fused different theories and practices to complete the works of others. This is especially true in the field of mathematics. Many detractors have held that Muslims did not realize the full potential of these discoveries and were unable to apply them efficiently. However, this is the nature of any scientific discovery where it takes one time to realize the full potential of what has been discovered. Muslim thinkers were at the cutting edge of knowledge at that time and for their role, they did the most they could. When Faraday came up with his theories for example, it was Zenobe Gramme who applied them and it was Marconi who proved the observations of Clark Maxwell.

Baghdad was significant during this period for two reasons. One, it was able to provide the Latin West with the wisdom and legacy of the

Greeks, something the Christian Church was unable to do due to its disunity and infighting and secondly, Baghdad was able to bridge the intellectual gap between Europe and Hindu India and the Buddhist Far East. Baghdad thus served as a depository of the classic works of East and West and was able to manage and disseminate all of this in a systematic organized manner.

The Nature of the Translations

Some argue that translation from one language to another loses meaning and reduces the quality of the work being translated. Any translator or scholar with knowledge of several languages will attest that this is often the case. However, scientific facts and metaphysical realities are things shared by all cultures and language groups. No one has a monopoly over these and the possibility always exists that a translation can be just as good as an original. This is what occurred in the translation of Greek works into Arabic and the translation of Arabic works into Greek.

The translation of Greek works into Arabic took place in the later half of the eighth century, some four centuries after the flowering of Greek science. The Byzantine Empire carried on what was left of the works of ancient Greece and Byzantine scholars such as Johnes Philoponos, Aetios of Amida and Paulos Aegineta aided in the transmission of knowledge from the West to the Islamic East. Among the many works transmitted during this time were works that neither many in the West nor the rest of the world had seen before. These works were translated among the rest and often times without knowledge of their significance and rarity.

As for the Arabic works that were translated into Latin, this took place during Constantine's rule in the last quarter of the 11th century. At this point of time, nearly four hundred years since the translations of Greek works into Arabic, many of these works were well-known by Muslim thinkers and had already been commented on already. It was during that time that Latin and Muslim scholars, who were contemporaries of one

another, began an open dialogue and knowledge flowed east to west and west to east.

By the close of the ninth century, the wisdom of Greece could only be accessed by way of the Arabic language and Muslim scholars and thinkers were able to take what they wanted from Greek thought and leave that which did not sit well with them. In essence they were refining the thought of an entire civilization and working with it and adding to it, passing it on to others, including their Christian neighbors.

The translations of Greek works into Arabic became monumentally important as the original Greek texts were lost over time such as the works of Apolonios and Archimedes⁵. When Latin scholars came to translate these Arabic translations back into Greek, they were relying solely on the efforts of the Muslim scholars whose translations became the only living manuscripts to survive⁶. The knowledge of these Arabic translations/manuscripts is thus imperative in accessing Greek thought.

Latin translators did translate important Arabic works; however, there were also plenty works translated that even inside Islamic circles were considered marginal. As the Latin world began experiencing success and intellectual advancements, Muslim intellectual activity began to decline. This decline was marked by obscure writings that amounted to superstition guised as science. These works were translated by Latin scholars, thus mixing folklore for actual scholarship. This was unfortunate for two main reasons: one is that it gave undo fame to certain Muslim writings and two it marginalized latter Muslim scholars such as Abul Fada', Ibn Batuta and Ibn Khaldun whose works were virtually left untouched by Western scholars and translators⁷. As for Ibn Khaldun, who is among the greatest Muslim historians and sociologists of the Middle Ages, his works were completely ignored by Western thinkers and it was not until the Ottoman period that there was scholarly interest in his writings⁸.

As is the nature of history, the intellectual leadership of the Muslim world began to wane

and recede as the West was able to regain a firm footing. It is not our purpose here to explain the reasons and causes for the intellectual stagnation that occurred in the Muslim world, as this is a topic that needs its own time and space, yet it is important to note that during that period Western thinkers began to re-visit their own heritage and to give birth to it once again. While the Western Renaissance did indeed move Europe into center stage as far as thought and writing is concerned, they did this while ignoring much of the wisdom of the Muslim world, both carried over from the Greek and the original works of Muslims scholars. After the seventeenth century, Europe began to take enormous strides at the same time creating enormous gaps due to a lack of interest or a lack of knowledge of all that the Muslim world had to offer.

There is some renewed interest in Arabic manuscripts and after the above discussion, it should be clear that not only have Muslims traditionally been interested in knowledge and science, but their contributions to these various fields and their invaluable translations are vital for

Western scholars, thinkers and scientists in order to correctly see their own intellectual heritage and in order to guide their pursuits in the future.

This process can largely be aided by the many indices of Arabic manuscripts found in libraries around the world that provide extensive lists of what manuscripts exist, the author of the manuscripts and a summary of their works⁹. The pioneers in creating these manuscripts were a host of Lebanese Maronite scholars such as Ibrahim Haqaylani (1605-1664) and his nephew Giovanni Mathew Neironi as well as Yusuf Simon al-Sama'ani (1687-1791), Awad al-Sama'ani (1711-1782) and Mijol Cassiri "Ghaziri"¹⁰ all of whom wrote extensively of the Arabic manuscripts found in the libraries of Spanish and Italian libraries. The only non-Lebanese to join this effort was the Hungarian Josness Uri who published the first index of Arabic manuscripts in the Bodleian Library of Oxford University¹¹. The largest index of Arabic manuscripts found today is the work of the late Professor Phillip Hitti of Princeton University which remains a work in progress¹².

Advice to Researchers

Many of the indices of Arabic manuscripts of scientific topics were largely compiled by historians and scholars of religion. As such there are many pertinent manuscripts that have been left out containing vital scientific information. To circumvent this, we offer the following points:

1. Begin reading Sarton's work *Introduction to the History of Science* having your pen and notebook by your side. Read carefully the section of Arabic works and write down the name of all the Muslim thinkers he lists that are of interest to you. In doing so, you will find references to unpublished manuscripts.
2. Then read some of the key works that Sarton references as these contain extensive indices which have information on many unpublished manuscripts and their locations.
3. After locating the manuscripts, you are interested in, contact the library and order a copy of the manuscript. This will give you

the ability to read through it and copy it in your own handwriting if necessary.

4. Now you have to assess the work at hand and consult with scientists to see if the work is significant or not and what parts of it, if not all of it, should be translated and published.

This entire process is a lengthy one. In many cases, people translate a certain manuscript and publish it since they are experts in the Arabic language and their native language but not necessarily well versed in science. Other scholars are then able to read this work and take it a step further providing the scientific worth of the text and its place in the history of science. This is the example that Sarton followed in his writings where he would quote a large section from an Arabic manuscript and provide an adequate translation. Then he would provide the modern scientific opinion of the scientific nature of the work. In the publishing of the works of the Astronomer Abi al-Fafi for example, a team of scholars was employed, some were masters of language and others were experts in astronomy and yet others

who were well versed in the history of science. This is the manner in which critical editions are published and good scholarship is conducted adding to the overall discussion of human thought.

The point to be made is that translating and publishing manuscripts is not just a difficult task on the researchers but one that often times needs many scholars from different fields to consult with. It also requires a bit of compiling of the different versions of the manuscripts and comparing them to one another in order to decide the best manner to translate them in. It is quite difficult that one scholar takes on this entire responsibility and is not something that can be done over night; rather it is a process that will take generations, each building on the work of the previous one.

Conclusion

The translation efforts of the Muslims living in the eighth century through the eleventh century was indeed a tremendous feat that serves

not as a footnote in the history of science but rather a pillar. Their ability to see past differences of creed and to realize the universal truth of knowledge allowed them to adopt what was good and enriching of every civilization before them and allowed them to use this vast treasure for their benefit and the benefit of mankind. The Muslims of today need to revive this attitude in order to show gratitude to their forefathers and their accomplishments.

Is Islam to Blame for the Backwardness of the Muslim World?

Within one hundred years, Islam was able to establish itself as a world power with an intricate system of governance ruled by Islamic law. Following this political and economic stability was a flowering of intellectual and cultural discourse that ushered in the “golden era” of Islam. The literally tens of thousands of manuscripts that these Muslims left behind as well as the lavish palaces, libraries, universities and mosques stand as a testament to this feat. The

remains of Islam in *al-Andalus* (Muslim Spain) also reminds us not only of the great Islamic Civilization but also of the importance of Islam vis-à-vis Europe where Islam was able to preserve the heritage of Europe and provided Europe with the raw material it needed to get out of its Dark Ages and enter the world as an intellectual contributor rather than consumer.

The Qur'an, which serves as the heart of the Islamic Tradition, is replete with verses urging the quest for knowledge and exploration in order to discover the wonders and "Signs of Allah". Furthermore, the first five verses revealed to the Prophet of Islam were on verses promoting knowledge¹³. Muslims were guided in their intellectual pursuits and curiosity by this Divine message and built their efforts on a combination of the spiritual and the material.

However, in seeing the Muslim world today one does not find these elements and characteristics. Rather one finds dilapidated cities, low aspirations and an overall literary and cultural illiteracy. Muslims have left their tradition and its

principles thus allowing them to recede. This is as Malik ibn Nabi the Algerian thinker said, "The backwardness of Muslims today is not due to their adherence to Islam but rather is an appropriate punishment from Islam for their leaving the tradition".

Islam remains in principle open to intellectual pursuits as something that could possibly be of benefit to humanity. This is why the intellectual stagnation one observes today in the Muslim world really has its origins outside of Islam. The problem, to be brief, is two fold having external and internal components. Externally the Muslim world suffered tremendously from the colonial period which saw a systematic destruction of centers of learning and internally Muslims left behind the principles of their tradition opting for modernism as a world view as the only way to "catch-up" with the west.

Islam cannot be blamed for what is witnessed today in the Muslim world any more than Christianity can be blamed for the current state of Latin America. This presents a period, a moment in history, that can and will change as

have other moments and periods throughout the history of every people. In order to judge Islam's stance on civilization and its ability to contribute to humanity, it is fundamental that an objective and a fair assessment be made and claims and unjustifiable statements be forgone.

A Glance at Islam and Specific Disciplines

There are many sciences that Islam has distinguished itself in such as the science of Qur'anic recitation and exegeses in its many forms ranging from exegeses based on the sayings of the Prophet of Islam and his companions to exegeses based on inference. Islam is also known for its legal tradition marked by its precise rulings and principles of jurisprudence which is perhaps the first time in human history that such a science has been introduced.

Islam as the soul inheritor of pre-Islamic Arabic became distinguished by developing the sciences of the Arabic language. The Arabic language is one of the richest languages known to

man; it is known for its powerful rhetoric and its exact nature due to its declensions and triliteral roots from which all other words are derived. It has an extremely rich vocabulary having over a hundred words for one object, each with a slightly different meaning bringing out different qualities of the same one object. This has afforded the Arabic language the unique ability to express in a manner almost unknown to man.

However, Islam also has been distinguished in its ability to adopt sciences and disciplines foreign to it. Muslim scholars, who strove to know the truth no matter what form it came in, were able to bring these fields into the folds of Islam, develop them and contribute to them. A brief glance at these fields is provided below.

I. The Humanities

History

History is one of the most important disciplines as it allows one to study political entities and the manner in which they were ruled and provides lessons to learn from and offers solutions to current problems. Islam provided a move away from simple narration that had marked

the study of history prior and provided a detailed analysis of different periods of history. This produced volumes of commentary and analysis such as the histories of al-Tabari and Ibn Kathir which discussed the histories of many people and provided a bright change from the manuals of history found in other parts of the world that commented on major events with words like “an epidemic became widespread this year” or “there was a war between such and such state and such and such state”.

Geography

The most important of Islamic geographers was al-Y‘aquby who lived in the third Islamic century. He was the first to describe different kingdoms based on his personal observations. There was also Ibn Khurdahaba (d. 912 C.E.) who wrote *al-Masalik wa al-Mamalik*, al-Mas‘udi and his *Muruj al-Dhahab wa Ma‘adin al-Jawhar*, al-Maqdisi and his *Ahsan al-Taqasim fi M‘arifat al-Aqalim* as well as al-Idrisi (d. 562 A.H./1166 C.E.) whose book *Nuzhat al-Mushtaq* included over forty maps and posited that the earth was round. Lastly, there was the great scholar Yaqut

al-Hamawy (d. 626 A.H./1229 C.E.) who wrote *Mu'jam al-Buldan*.

II. Rational and Experimental Sciences

Astronomy

Muslim astronomers were able to utilize the many observatories in the Muslim world for their experiments and research. The main observatories, many of which are still intact today, were in Damascus, Baghdad, Cairo, Maragh, Samarkand, Asfahan and Andalóus (Muslim Spain). Furthermore, many of the instruments that these astronomers used were their own inventions and others, such as the astrolabe, were instruments they inherited from other civilizations which were remodeled and enhanced.

Physics

Muslim physicists conducted many experiments in gravity such as calculating the distances covered by objects with specific masses under the influence of gravity which ultimately paved the way for Newton's laws to be developed. The most famous of these physicists were al-Hasan al-Basry (d.1038 C.E.), al-Biruni (d.1048

C.E.), Hasan ibn al-Haytham al-Masry (d.1038 C.E.) and Ibn Sina (d. 1036 C.E.).

Mathematics

The concept of zero (0) is perhaps the greatest contribution of Muslims to the field of Mathematics. Muslims were also able to know the exact proportion between the circumference and the diameter of a circle which they gave the symbol of (Ta) the hard t letter in the Arabic language. They also divided numbers into even and odd and held that the number (1) was the origin of all numbers. Al-Khawarizmi (d.235 A.H./850 C.E.), who is noted for developing the mathematical function known as the logarithm, is not only considered the greatest Muslim mathematician but also one of the greatest mathematicians the world has ever known.

Muslim mathematicians were prolific in their writings which included research and experiments in distances, volumes and proving the division of angles into three equal parts. This has caused many modern researchers to attribute the science of trigonometry as originating from

Muslim mathematicians such as Thabit ibn Qurrah, al-Tusi, al-Batani and others.

Chemistry

The greatest of Muslim chemists was Jabir ibn Hayyan al-Kufi who was known for his preparation of chemical substances that were unknown at that time such as nitric acid, sulfuric acid (viscous oil), gold water, potassium, ammonia and silver nitrate. He also accurately described many procedures such as filtration, distillation, evaporation, crystallization, melting, calcinations and transmutation. The writings of another great chemist, al-Razi, provided the first theories of dividing chemical substances into mineral, vegetable and animal.

Medicine and Pharmacology

Medicine was one of the fields that Muslims contributed most to authoring many works in its many branches and specialties. Al-Razy (865-925 C.E.) and his writings were well-known to European physicians and were translated into Latin providing the base for European Medicine from that point up until the

Enlightenment period. Al-Razi's works provided vital information concerning many ailments such as rubella and smallpox. In ibn Nadeem's *Fihrist*, al-Razi is listed as authoring over a hundred works and conducting over thirty scientific experiments!

Ibn Sina, known as Avicenna, is perhaps the greatest Muslim physician and scientist. He wrote in almost every field including, philosophy, medicine, engineering and astronomy. His Magnum Opus *al-Qanun fi al-Tibb* (the Cannon of Medicine) is perhaps the most well-known Muslim scientific work in the western world. The college of medicine in Paris still has in the walls of its hallways two giant portraits of al-Razi and Ibn Sina, a testament to their gratitude for their work and contribution to medicine specifically and the field of science generally.

This short list is not provided here as a lament of what once was but rather to demonstrate that what is plaguing the Muslim world today is not Islam, but rather the lack of it.

The Position of Islam as Regards Art

Conception

Islam is a dry religion that rejects any form of artistic expression. This rejection is supported by both the Qur'an and the teachings of the Prophet of Islam. Islam believes that any form of art causes polytheistic belief and draws one away from Allah.

Response

Islam holds art in a high regard as it is narrated that the Prophet of Islam said "Indeed Allah is Fair and He loves fairness"¹⁴. In reality art is nothing more than a manifestation of beauty which is something, as the previous text indicates, Allah loves. Islam is not opposed to art as such but rather gives precedence to ethics over art. This precedence should not be interpreted as a rejection of art or of its being an important function. The general principle of art in Islam is that its good is considered good and its bad is considered bad, meaning that what is good in the ethical sense is good in the artistic sense and vice versa.

The Qur'an constantly discusses the beauty that is found in the created world and the joy it gives the beholder¹⁵ so it would be contradictory for Islam to reject the beauty of art which in many ways mimics the beauty of the universe. Art is the product of the artist and therefore a manifestation of his/her heart. It is a form of expression that serves as a translator and interpreter for what is on one's inside. When one's heart is filled with the remembrance of the Divine and polished from sin and desire, the art that is produced is celestial. When one is, however, full of desire and is heedlessness of the Divine, the art that is produced is lowly and carnal. This is why the art that Islam rejects is the latter form. From the perspective of Islam, everything needs to be a reflection of the Divine, a sign reminding one of higher meanings, anything less is looked down upon. Furthermore, Islam sees art as having a social function, something that lightens the mood and allows people to relax. Art that is carnal, profane and ugly, speaks to the lower parts of one's soul and while causing some relaxation is ultimately heedlessness garbed in fun and

therefore something that transgresses the very essence of art.

As for music, it is well-known that music consists of beautiful voices, tones and modes which Islam does not reject as long as they fall within its general ethical framework. It is well-known that the Arabs before Islam used to listen to poetry with *inshad* or in a melodic way. This custom was carried over to Islam and it is documented that the Prophet of Islam used to listen to this type of poetry without denouncing it. It is also known that he praised Abi Musa al-Ash'ari for his Qur'anic recital. The Prophet of Islam also chose among his companions those who had beautiful voices to give the call to prayer, *adhan*. When Abu Bakr, the Prophet's foremost companion and father-in-law, walked into his daughter's house and saw young girls singing with drums he became upset. However, the Prophet of Islam explained that it was a day of *Eid* or celebration that called for enjoyment and entertainment¹⁶. Lastly we know that the Prophet of Islam permitted a young girl singer be sent to the wedding of one of the relatives of 'Aishah.

The same general discussion can be applied to acting. Acting can be used as an important tool for social commentary and presenting certain social problems that allow the audience to see them in full light and in so doing offer solutions to these problems. This means that acting in itself cannot be considered forbidden in Islam but rather the discussion returns to the ethical dimension of the religion; that which is ethically permissible as to its manifestation and vice versa.

Having said this much about various forms of art, it should be said that the only forms of art that Islam is against any form of is sculptures and statues. This is because Islam has an inherent dislike to anything that resembles idols and idol worship. Since the construction of a statue can eventually lead to its veneration and even worship as an idol with inherent qualities, Islam forbids it from the beginning. Islam's prohibition of statues and sculptures serves as a reminder that only Allah is the Creator.

The Creation of the Heavens and the Earth

Conception

Many verses in the Qur'an mention that the creation of the heavens and the earth took place in six days. This presents two problematic points:

1. It is scientifically known that the creation of the universe and the earth took place over billions of years.
2. The Qur'an itself says that the earth was created in eight days and not six (41:9-12).

How can one reconcile, if at all, these discrepancies?

Response

Among the many verses that describe the creation of the earth taking place in six days are:

- *Your Guardian-Lord is Allah, Who created the heavens and the earth in six days, and is firmly established on the throne (of authority)* (7:54)

- *Verily your Lord is Allah, Who created the heavens and the earth in six days* (10:3)

- *He it is Who created- the heavens and the earth in six Days (11:7)*
- *He Who created the heavens and the earth and all that is between, in six days, (25:59)*
- *It is Allah Who has created the heavens and the earth, and all between them, in six Days. (32:4)*
- *We created the heavens and the earth and all between them in Six Days, (50:38)*
- *He it is Who created the heavens and the earth in Six Days, (57:4)*

There is no discrepancy between these verses describing the creation of the world in six “days” and the scientific position that the creation of the world took place over the period of billions of years. This is because the “day” mentioned in these verses are among the days of Allah which are not equal to the twenty four hour days that we are used to. This is highlighted in the following story of the Qur’an:

Or (take) the similitude of one who passed by a hamlet, all in ruins to its roofs. He said, "Oh! How shall Allah bring it (ever) to life, after (this)

its death?" but Allah caused him to die for a hundred years, then raised him up (again). He said, "How long didst thou tarry (thus)?" He said: (Perhaps) a day or part of a day." He said, "Nay, thou hast tarried thus a hundred years; but look at thy food and thy drink; they show no signs of age; and look at thy donkey: And that We may make of thee a sign unto the people, Look further at the bones, how We bring them together and clothe them with flesh." When this was shown clearly to him, he said, "I know that Allah hath power over all things." (2:259)

So what was experienced as one earth day consisting of twenty four hours in actuality was almost 37,000 earth days. This is the same difference that one finds in other Qur'anic stories such as the people of the Cave in chapter eighteen where Allah says, "Said one of them, 'How long have ye stayed (here)?' They said, 'We have stayed (perhaps) a day, or part of a day'" (18:19). However, the reality was quite different: "So they stayed in their Cave three hundred years, and (some) add nine (more) Say: '(Allah) knows best how long they stayed'." (25-26) Likewise it is

mentioned in the Qur'an that the disbelievers will feel as if they lived in this world for only a brief moment or less:

The Day when the Trumpet will be sounded: that Day, We shall gather the sinful, blear-eyed (with terror). In whispers will they consult each other: "Yet tarried not longer than ten (Days); We know best what they will say, when their leader most eminent in conduct will say: "Ye tarried not longer than a day! (20:102-104)

As for the "days of Allah", the Qur'an says that they are a thousand years by the calculations of humans, "*Yet they ask thee to hasten on the Punishment! But Allah will not fail in His Promise. Verily a Day in the sight of thy Lord is like a thousand years of your reckoning*" (22:47) and even this is a rough approximation as the verse uses the letter (kaf) to indicate that the relation used is a similitude and not an exact proportion.

All this goes to show that when the Qur'an mentions that Allah created the world in six days it is a reference to the six days of Allah which are of a different calculation than our human twenty four hour days. This is not something that is unusual since we are familiar with talking about light "years" which is quite longer than human years. The same could be said about other terms used in science that mean certain things in their scientific use and another in their everyday use.

As for the second conception, the apparent discrepancy between the world being created in six days or eight, the matter is in regards to chapter forty one, verses nine through twelve:

- 9. Say: Is it that ye deny Him Who created the earth in two Days? And do ye join equals with Him? He is the Lord of (all) the Worlds.*
- 10. He set on the (earth), mountains standing firm, high above it, and bestowed blessings on the earth, and measure therein all things to give them nourishment in due proportion, in four Days, in accordance with (the needs of) those who seek (Sustenance).*

11. Moreover He comprehended in His design the sky, and it had been (as) smoke: He said to it and to the earth, "Come ye together, willingly or unwillingly." They said, "We do come (together), in willing obedience."

12. So He completed them as seven firmaments in two Days, and He assigned to each heaven its duty and command. And We adorned the lower heaven with lights, and (provided it) with guard. Such is the Decree of (Him) the Exalted in Might, Full of Knowledge.

In these verses, it is clearly stated that Allah created the "earth" literally the ground in two days and the rest of the contents of planet earth in four more days to complete the six day period of the creation of our world as held throughout the Qur'an. The misconception of creation being eight days is perhaps due to verse twelve where another two days is mentioned as the time of creation of the seven heavens. However, these days are not separate from the six. In other words, Allah created the ground in two days then He created

the mountains etc. in another two days to give a total of *four* days. The four days mentioned in verse ten is a complete tally of days from verses nine and ten. Then Allah created the seven heavens in two days making a total of six days. This is how classical commentators understood these verses. Imam Qurtubi for example said that the verse saying "in four days" is the equivalent of someone saying, "I went from Basrah to Baghdad in ten days then to Kufah in fifteen days". This means the *entire* journey took fifteen days *not* the trip from Baghdad to Kufah¹⁷. Imam al-Zamakhshari said that the verse "in four days" means that the creation of the earth and its contents took four days, no more and no less¹⁸ and al-Zajjaj says in his commentary that this verse means the task was completed at four days¹⁹.

The Setting Sun and the Qur'an

Conception

The Qur'an says in chapter eighteen verse eighty six that the sun sets in "murky water" which is obviously not the case, so there is a direct contradiction between the Qur'an and

science which Muslims claim are both compatible.

Response

This verse is part of the story of Dhul Kifl who is held by Muslims as one of the prophets of Islam. The actual wording, 'aynin hamiatin, is water that is muddy, murky and black. And we know from science that the world is round and the sun really never sets in a body of water but appears to set since the earth is spinning around itself and revolving around the sun, so what exactly is this verse talking about?

The key to understanding this verse is precisely the fact that the sun *appears* to be setting by the people whom Dhul Kifl was commissioned by Allah to spread the message to. From a human observer on earth, the sun does seem to set in murky black water, as this is what the end of one's vision registers. This is indicative of the rhetorical power of the Qur'an and its use of language to explain things. The Qur'an is a Book sent to man for use in this life to achieve

felicity in the hereafter and accordingly addresses what humans see and observe.

Al-Qaffal (429-507 A.H./1037-1114 C.E.) synthesized the many commentaries on this verse citing that it does not mean that Dhul Kifl went to the end of the earth where the sun sets since this is impossible according to what we know. Rather, it is an indication that he reached far away from the observer where there is no inhabited land and it is as if the sun was setting in murky dark water. This is what we find likewise in the same chapter verse ninety "*Until when he came to the rising of the sun he found it rising on a people from whom we had provided no covering protection against the sun*". This does not mean that the sun physically touched these people but rather they were the first to receive the rising sun²⁰.

Thus, we see that the verse of the sun setting in murky water is not a scientific declaration but rather a description of what is observed on a human level thus providing no contradiction with science and natural phenomenon.

Conclusion

One major point having two fundamental conclusions should be clear after this discussion. The point is that Islam as a religious tradition has an inherent affinity to knowledge for the very testimony of faith namely, there is no God but Allah and Muhammad is His Messenger, is a statement of knowledge. Islam does not really pay heed to where truth comes from as long as it is truth that aides one to complete his/her servitude and obedience to the Divine. The two conclusions are one, that the West as a whole needs to understand Islam in its intellectual-spiritual dimensions in order to properly assess its own intellectual heritage. This does not necessarily mean that the West needs to follow the methodology of Muslim scholars but rather this methodology needs to be properly understood since the major tension that the West has suffered from, namely religion versus reason, never existed in Islam. The second conclusion is that Muslims today have forgone traditional methodology which has been a major contributor to the intellectual stagnation of the Muslim world. The

same understanding that behooves the West to know is also the same understanding that Muslims need to understand in order to improve their lot.

Chapter Four Notes

1. If the objection to the word miracle is strong, one can consider the spread of Islam a testament to its universal truths and wide appeal. The famous Muslim philosopher Ali ibn abi al-Hazm ibn Nafis discussed these two different methods of the spread of Islam in his treatise *Fadl ibn Natiq*, which is similar to the famous treatise *Hay ibn Yaqthan* by Ibn Tufayl. Ibn Nafis's treatise is a fictional attempt to explain the spread of Islam and the author's observations during his period which was the 13th Christian century. He viewed the spread of Islam as something that did not happen by coincidence but rather returns to the truths of Islam and the need of the world for them. This might seem a biased and extreme view, but this is theory similar to western scholars among whom are Eusebios, Caesarea and Bossuet who saw their success due to the inherit strength of their faith/philosophy. There is only one known manuscript of Ibn Nafis's treatise found in

Istanbul. For further details, one should consult M. Mayherhof (Isis, 23, 108) and Joseph Schacht. One should also consult *Hay ibn al-Nafis wa 'amaluhu* in the magazine *al-Mustami'a al-'Arabi* vol. 7, number 17, 1946.

2. This is part of the genius of the Prophet of Islam in that he made the Arabic language part and parcel of the Islamic tradition. In this sense, Arabic was preserved and avoided the trend that Syriac and the Coptic language followed.
3. This historical event is also found in the rule of the Japanese Emperor Mutsuhito (1868-1912). During this short period and with great help from printing presses and telegraph machines, the Japanese people tried to assimilate the intellectual treasures of ancient China in much the same way the Muslim-Arabs assimilated Greek works. However, unlike the Muslim-Arabs, the Japanese did not add to the works of China but simply took them as one lump sum.
4. This Tabari should not be confused with Muhammad al-Tabari the famous historian

and author of the famous exegesis on the Qur'an. Sarton does not mention him in *Introduction to the History of Science* since this book was published in 1927 and Tabari's *Firdous al-Hikma* was published in a critical edition in the year 1928.

5. Volume 5-7 of "Conics" was translated into Arabic by Thabit ibn Qura. This was reviewed by Abu Fath Muhammad ibn al-Asfahani and it was never published. However, an original Latin manuscript was published by Abraham Ecchelensis then by Giacomo Alfonso Borelli in Florence in the year 1661. Another edition came out by Edmund Halley who published through Oxford in 1710. Thabit ibn Qura also translated the diary of Archimedes regarding the regular heptagon and this was published by Carl Shoy in German in the year 1926.
6. Galen's work on anatomy was translated into Arabic and then given a German translation and published by Max Simon in 1960. Richard Walzer published a work on Galen's observations on intuitive skills

from an Arabic manuscript and gave it an English translation in the year 1944.

7. What is meant here is the lack of interest by medieval European thinkers in these works and does not include the many translations of orientalist who from the seventeenth century onwards have translated many works not necessarily to understand their place in human thought but rather to find the “origins” of the west.
8. More details can be found in Sarton’s *Introduction to the History of Science* volume 3, p. 776.
9. We can find lists of these manuscripts in “Manuale di Giuseppe Gabrieli” and Carl Breakel’s “Bibliographia Musulmana”.
10. Phillip Hitti held that Cassiri is originally “Ghaziri” and a reference to Mijol’s place of birth in Ghazir which is a small village in Qasruwan north of Beirut on the coast Lebanon.
11. Josness Uri studied in Lyden and Oxford where he produced a catalogue of Eastern manuscripts found in the Budlian Library in the year 1766. The first volume of this

catalogue was published in Oxford in the year 1787 and contains information on 2358 manuscripts. Of these, 1476 are Arabic manuscripts. He died in the year 1795. Alexander Nicoll (1793-1828) published the second volume of the catalogue, which is much smaller than the first, in the year 1821. This contains information on 234 manuscripts, 156 of which are Arabic. For detailed information on Uri, one can consult the work of Joseph de Somoqui.

12. For more details, consult the entries of Phillop Hitti, Nabih ibn Faris and Butrous Abdul Malik in the Descriptive Catalogue of the Garret Collection of Arabic Manuscripts Princeton, edition 1938-1939.
13. Qur'an 96:1-5.
14. This Prophetic text (hadith) is narrated in the collection of Muslim in the book of faith (*kitab al-iman*).
15. Qur'an , 15:16, 16:7, 41:12.
16. This Prophet text (hadith) is narrated in the collection of Bukhari and Muslim.

17. See Imam Qurtubi's exegesis on the Qur'an, *Jami Ahkam al-Qur'an*, volume 15, p. 343.
18. The sentence structure grammatically indicates that the entirety of the process took four days.
19. See Imam Zamakhshari's exegesis of the Qur'an, *al-Kashshaf*, volume 3, p. 444.
20. Imam Qurtubi (see endnote number 17 above) volume 11, p. 50.

Chapter Five

Islam and the Rights of Others

Introduction

Up until three or four centuries ago, the possibility that other religious beliefs or practices could exist was very hard for many people to fathom since they were for the most part surrounded by a religious homogeneity. As such, there was little as far as etiquette, rules and doctrine relating to the “other”. As the modern period came to be and the shell of religious homogeneity cracked, the naiveté that the entire world held the same religious belief as one’s native village gave in and people were forced to deal with other faiths.

Even though Islam emerged well before the modern period, in the sixth century of the Common Era, the Qur'an and example of the Prophet of Islam laid down a clear doctrine in dealing with other faiths. Islam never denied the possibility of other faith communities living side by side with it and even went as far to posit that all could benefit from one another. Part of the reason that Islam was able to peacefully coexist with others is because it always had an eye on this world seeing it necessary to work hard to establish peace and justice, two vital components of any civilization, and an eye on the hereafter meaning that the final judgment of people is for Allah alone to decide. This doctrine is not only unique for the time in which it was instituted but remains today a theory of dealing with plurality that can offer much to the world that in one way or another is still suffering from the naiveté that you are either with us or against us.

Human Rights and State Rule in Islam

Conception

Islam does not extend rights to others as they are looked down upon and considered less significant than Muslims. This is further aided by the fact that government in Islam is undemocratic as power resides with the Caliph/Sultan alone. This opens the door wide open for human rights violations against religious and other minorities living under Islamic rule.

Response

Islam is among the first religions to not only attest to the importance of human rights but to actually institute them as part and parcel of its legal tradition. The corpus of Islamic law is based on preserving five rights: life, mental state, religion, honor and wealth, which are known as the goals of the Shari'ah (*maqasid al-shari'ah*). To this effect the second Caliph after the Prophet of Islam, 'Umar ibn al-Khattab responded upon seeing a group of enslaved people: "How is it that you have enslaved a people when their mothers bore them free?" These five rights are extended to

all peoples regardless of their religious orientation. No matter how different people might be from one another all have the right to live in peace. The reason being is that human rights in Islam are built on two fundamental principles: the equality of all people and freedom for all people. Equality of all people in Islam revolves around two poles: the mutual origin of all humans, i.e. from our father Adam and mother Eve meaning that all human beings are brethren one to another through this special relationship and two, the mutual nobility of all humans, "*we have honored the sons of Adam*" (17:70). All humans are honored by the fact that they have been created by Allah and been given the ability, both physically and spiritually, to know the Truth and therefore be vicegerents of Allah on earth. This leads to the second principle of freedom since being a steward of Allah on earth is a function of the freedom one has to either choose or reject the responsibility given to them. To this the Qur'an says "*let him who will believe, and let him who will reject*" (18:29).

As for political rule in Islam, it is built on the principles of justice and mutual consultation, not unilateral power and decision making. The concept of justice is one of the most discussed issues in the Qur'an; for example we find the verse "*Allah commands justice, the doing of good*" (16:90) and "*Allah doth command you to render back your Trusts to those to whom they are due; and when ye judge between man and man, that ye judge with justice*" (4:58). These verses have been taken by the jurists as a command for the political structure to be a just one. As for mutual consultation this is best demonstrated by the Prophet of Islam who was known to consult with his companions and wives on many issues and take their opinions even if they were counter to his. The greatest and most famous example of this was when the Muslims of Madinah went out to meet the Qurashites at the battle of Uhud. The Prophet of Islam did not want to go out of Madinah to fight but the companions felt strongly that they should. The Prophet followed their advice, went out to battle and suffered a minor defeat. Despite this, the Qur'an advised the Prophet of Islam to "*pass over (their faults), and*

ask for (Allah's) forgiveness for them; and consult them in affairs” (3:159).

Although the concept of mutual consultation is fundamental to the political system in Islam, the way it is practiced and/or achieved is left to jurists and politicians to decide. This allows different forms of government to be established in different periods to meet the needs and demands of people. A strong argument can be made that modern governments are a form of mutual consultation as long as Islamic ideals are adhered to.

There is more malleability than most people think when it comes to Islamic law. As has been demonstrated in previous chapters, there is no normative legal state in Islam and the four schools of Sunni Islam always viewed the differences between them as a mercy and not a source of tension. Since each school is built on a certain system of deducing rules from the primary sources which is considered legitimate by the other schools, the differing rules that emerge are all considered valid and allow for a great deal of

flexibility. This flexibility is best seen in court scenarios and government.

Islam and the Freedom of Belief

Conception

Islam is dogmatic and does not allow any other belief system to exist alongside with it. Muslims hold people who have other beliefs in contempt and seek to undermine ideologies counter to theirs.

Response

The position of Islam vis-à-vis other religions and systems of belief is summarized by the following three verses from the Qur'an:

1. *Let there be no compulsion in religion, Truth stands out from clear error (2:256).*
2. *Say Truth is from your Lord, let him who will believe and let him who will reject (18:29).*
3. *But if they turn away, thy duty is only to preach the clear message (16:82).*

These verses capture the tolerance that the Islamic message embodies towards others. The first verse makes it clear that Islam does not seek to force people to convert since Islam holds that Truth is manifest by nature and that falsehood is fleeting by nature, this does not need the aid of people to demonstrate. The second verse demonstrates that there is an open invitation for those interested to learn about Islam, its ways and meanings, without any obligation to follow. If people choose to accept the message they are welcome to since Islam's message is a universal one. However, if some reject Islam, there is no obligation other than to provide a correct and pristine picture of the tradition as is stated in the third and final verse.

Islam recognizes quite boldly that people have been created different and that people hold differing views and opinions. This is especially true in religion since any religious belief must be built on firm conviction otherwise it collapses. Islam does not seek to eradicate other ideologies but rather struggles to affirm the Truth and to uphold justice for all people. This toleration is the

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example set by the Prophet of Islam when he migrated from Makkah to Madinah. The first thing he did upon arriving was to issue a decree allowing anyone following any religion to live side by side with the Muslim community. This same example was carried by the second Caliph of Islam, 'Umar ibn al-Khattab, when he conquered Jerusalem. He issued a decree in regards to the Christian population that "their lives, churches, crosses, none of them should be harmed or persecuted because of religion."¹ This toleration is also seen in the Qur'anic verses encouraging debate, "*Invite (all) to the Way of thy Lord with wisdom and fair preaching; and argue with them in ways that are best and most gracious*" (16:125). It is in this manner that mutual cooperation between faiths is achieved which is something that it is desperately needed in our age today to fight so many of the perennial problems plaguing our world.

Jihad

Conception

Islam is a religion of the sword and anyone who is a non-Muslim is considered a rejecter of the truth and therefore forced either to embrace Islam or die by the sword. It is with this narrow mindset that Islam spread in its early history.

Response

It is appropriate to conclude this chapter by discussing the most misunderstood concept of the Islamic tradition, jihad. Since Islam has always been both a spiritual path and a system of government, the concept of war is one that draws much attention. This is most probably due to two reasons, one is that western religions have always struggled to develop a just war theory and as a result interest in Islam's theory of war has always been of interest. The second reason is that Islam gained such quick success and its empire expanded so vastly, theories of why this happened have always been easily supported by claiming that Muslims are blood-thirsty war-mongers. Already it should be clear that our definition of

jihad is restricted to military struggle and not spiritual warfare against one's lower self etc. Both meanings are valid but our focus remains the former in order to cast away doubt over such a difficult subject.

To begin this discussion, let us turn to the Qur'anic exegesis of Imam al-Qurtubi where he discusses verse forty of chapter twenty two by writing the following: "*and had it not that Allah checks one people with another*" meaning were it not that Allah prescribed and regulated jihad for all prophets and believers, disbelievers would have trampled on the established principles of religion. However, Allah has checked people in that He has made jihad permissible for freedom of religion. Therefore, jihad is essential in all peoples and by it freedom of religious belief and worship are maintained. This is strengthened by the verse "*and had it not been that Allah checks people...*" meaning were it not for jihad, Truth would be compromised in every community. So, people from the Christian tradition and the Sabeian tradition, who look down on jihad and military struggle, are forgoing an important part of their

own tradition. Were it not for jihad nothing would be left of their religion and their alterations to their own holy Books has caused their shift in understanding for were they to read the original they would find the same message as that found in the Qur'an ².

This passage brings to light a major Islamic principle in regards to military struggle, namely that it is a necessary thing, part of both the human condition and state rule. Since Islam covers all of human life, both the spiritual and the mundane, acts of worship and human relationships and interactions, it is very appropriate that it addresses military struggle as well. Before turning to the legal implications of jihad which are almost always left out the discussion, it should be made clear that this verse makes it clear that jihad is a means to an end and used to ensure freedom of faith and religious practice not just for Muslims but people of all faiths. This is why the rest of the verse goes on to say:

They are those who have been expelled from their homes in defiance of right for no cause

except that they say, "Our Lord is Allah". And had it not been that Allah checks one set of people by means of another, there would surely have been pulled down monasteries, churches, synagogues, and mosques, in which the name of Allah is commemorated in abundant measure. Allah will certainly aid those who aid His cause, for verily Allah is Full of Strength, Exalted in Might.

The task of spreading the message of Islam or as T.W. Arnold wrote "the preaching of Islam" is very much a part of the tradition. The early Muslims believed that they were commissioned to spread their faith, to teach it to those who wanted it and to offer a different lifestyle, one dedicated to the service of Allah without coercion for as the Qur'an clearly reminded them "there is no compulsion in religion". The spreading of the message or the preaching of Islam did not have to do with battle and did not have to involve military conflict and bloodshed; the two were and are separate things. Islam spread to the Malay world, for example, through merchants and Sufi exemplars who were able to capture the hearts of

people, no blood was shed and no war was fought. Today Malaysia and Indonesia are the most populated Muslim countries in the world. Islam, however, did engage in warfare as this was a part of state rule and the Islamic tradition began with the reality of the human condition and sought to govern these realities rather than create an unattainable ideal. So the *Shari'ah* governed this and set forth strict rules of engagements that had to be followed, no questions asked.

Legally jihad is considered a communal obligation (*fard kiffayah*), if a portion of the community engages in it, the rest are absolved of the duty. Jihad in this sense is strictly used for military campaign. The two types of jihad discussed in books of Islamic legal thought are one, if there is an invasion into a sovereign Muslim territory. In this case, jihad becomes individually obligatory (*fard 'ayn*) to repel the attack and protect the land. The second type is offensive jihad in which case the Caliph declares a jihad against an aggressive and hostile non-Muslim neighbor that poses danger to the Muslims. In this sense, only the ruler may declare

jihad and no one else is permitted to take matters into their own hands. When put in the context of functions of the state and preservation of sovereignty, these two scenarios make sense and are understood as necessary things to protect peace. Any nation that is invaded has the right to defend itself and any nation has the right to attack an aggressive neighbor if it will prevent further harm. However, the key to understanding jihad is in the subtle words of the jurists who say, "The necessity of jihad is the necessity of means not ends". In other words, the point of jihad according to Islamic legal thought is not to kill the infidel and be victorious but rather to preserve peace and protect the larger Muslim community, which is why the jurists go on further to say that "if guidance (*hidaya*) can be achieved without jihad then that means would be better"³. The point is not to increase the number of Muslims or to become wealthy, in fact the amount of poll tax levied is minimal according to the books of law, rather it is to preserve borders, keep the peace and protect the Islamic way of life for those who choose to live it and those who seek to learn about it.

The interesting thing about jihad is the manner in which it was legislated by the Prophet of Islam. It went through four phases: the first was the forbidding of jihad and the command was to persevere through the tribulations, the second was the legislation of defensive jihad only, the third was offensive jihad only outside of the holy months and finally there was permission to wage jihad throughout the year as needed. This was a slow process through which the early Muslim community persevered through much persecution and torture. By the time that full jihad was made legal and permissible, the Muslim community had a wealth of experience and had solidified their faith so as not to misuse this necessary function. Furthermore, history tells us that the Prophet of Islam himself only killed one person in his entire life in all the battles he fought. Although a telling fact of the nature of jihad, it goes to demonstrate the nature of warfare itself in the pre-modern time; war was waged with chivalry and hand-to-hand combat was the norm.

Once a battle is completed and in the case where Muslims are victorious, immediately

dhimmi status is to be given to the conquered. The *dhimmi* is a non-Muslim who has the right to practice his/her religious belief freely under Muslim rule. They are not required to wear different clothing as happened under different ruling powers, and their only obligation is to pay the poll tax. Traditionally the *dhimmi* was a special status and had full rights as any other citizen. The Prophet of Islam said, "Whoever transgresses against a *dhimmi* I will be that *dhimmi's* advocate on the Day of Resurrection"- a strong warning to rulers and common-folk alike.

This having been said, it is not our intention to assume that all these legal injunctions were followed strictly in the various stages of Islamic state expansion. Rather, this discussion goes to serve as a frame of reference by which to judge the events of history.

The jihad of the early Muslims was, in accordance with the above legal discussion, used to ward off potential harm from various political entities and not used to convert people by force. The very proof of this is the extensive non-

Muslim communities, mostly Christian and Jewish, that flourished in the heart of the Muslim body politic. Even today, one can travel to some of the old cities of Muslim countries and find churches and synagogues intact and in use. However, the greatest testament to this is the story of the opening of Jerusalem by the second Caliph 'Umar ibn al-Khattab. Once the truce was initiated, 'Umar wrote the following:

In the name of Allah, the Most Merciful, the Most Compassionate, this is what the servant of Allah 'Umar, the leader of the believers has given to the people of Ilat (the old Arabic name for Jerusalem). He has assured them safety in their lives and property, their churches and crosses and all peoples related to their communities. No one should take their churches or destroy them neither should any part of it be annexed or diminished and the same is extended to their crosses and wealth. None of them shall be forced to convert and no harm shall befall them.

In this truce, we find what is in the covenant of Allah, His Prophet, the Caliph and all the

believers. This truce was signed by Khaled ibn Walid, 'Amr ibn al-'Aas, Abdul Rahman ibn 'Auf and Mu'aawiyah ibn abi Suffyan. This truce was written in the year fifteen after the hijrah⁴.

As other religions have struggled to develop a just war theory, Islam is perhaps the one religion to do so in a clear and precise manner. Islam not only outlined the theory of a just war but also set rules and regulations to govern it. This is highly significant since both Judaism and Christianity failed to do this leaving only general statements regarding warfare such as those found in Deuteronomy 20:10-16, Mathew 34:1 and Luke 37:22. It is perhaps this lack of legal discussion that caused many wars and much bloodshed to be carried out in the name of these traditions. One of the grossest misuses of religion for the purposes of war and persecution was the Spanish Inquisition. Not only did it destroy the beautiful coexistence of Muslims and Jews in Spain, but in so doing put a halt and even reversed one of the greatest intellectual periods of Europe. By the year 1492, often remembered as the year when "Columbus sailed the ocean blue", the

remnants of the Muslim and Jewish populations were expelled from the Iberian Peninsula. During the time of the Inquisition, families were torn apart and many more were tortured in the worst means possible all in the name of the Church⁵. This same phenomenon was seen in much of the spreading of Christianity after the fourth century in Europe where violence and bloodshed was almost part of the package of faith. Charlemagne waged war against the Saxons for thirty three years and forced them to convert to Christianity at the hands of the Christian Saint Liudger Willehad⁶. The Christian King Cnut spread the Christian faith in Denmark by force and violence⁷ and Christianity was established in Russia by force through the help of the Brethren of the Sword⁸. The purpose is not to point out certain figures and dates since every religion has these archetypical figures that are intolerant and due crazy things in the name of faith and love of Allah. However, the point is to cast a fair and honest glance at the history of religion and see that there has been systematic and organized persecution in nearly almost all religions except in Islam where there has only been individual

persecution and intolerance that was and is always rejected by the scholarly community.

The image of Islam being a warring religion and spreading only by coercion and bloodshed is largely due to the early works of orientalist who echoed these themes in their writings. The following paraphrases of quotes will suffice to make this point clear:

- It was confirmed that Islam never was successful as when it aimed at invading a place⁹.
- Muir and Caetani attributed the causes behind the increasing of the number of Muslims to the military victories; and the compelling of people to embrace the call according to the precepts of Islam¹⁰.
- Muhammad commanded his followers to make the entire world profess Islam; by the sword when necessary¹¹.
- Those Arabs had imposed their religion on the world. They told people that they could either be Muslims or die. While on the other hand, the Disciples of Christ had overwhelmed

the souls of people by their benevolence and philanthropy¹².

- The sword of Muhammad and the Qur'an are the dangerous enemies of freedom and civilization¹³.

- The Crusade wars did not brake out in order to save the Resurrection Church only, but to also know who will be the conqueror in this land. Islam a doctrine for worshipping that constantly advocates ignorance, oppression, and servitude! And so it is an enemy to civilization. Or it is a doctrine that contributes in arousing in the minds of its contemporary people the ingenuity of time by obliterating the compulsion of religion¹⁴!

This portrayal of Islam carried for almost two centuries and has been more aggressively expositied in recent times by Western media in both the form of movies and news. This conception, as well as others discussed in this book, suffer from one fundamental problem, namely they do not give a full look into the sources of Islam to translate a proper understanding into Western languages. In turn,

this has created a popular understanding of Islam that is self-perpetuating and often times negative and hostile. Such has prompted new studies and translations including this present work to give a more complete look at Islam based on thorough research which marks a move away from apologetic pieces.

This holistic view of Islam is needed today more than ever as more and more westerners are embracing Islam as their preferred way of life. This is occurring at all levels of society and once again Islam will be close to and even in the West proper. To consider this phenomenon as a threat is to miss the big picture and sets society as a whole up to commit the same mistakes as those done in the past. Knowledge is the proper response to fear and it is this general principle that must be firmly rooted in both the Muslim world and the west.

Conclusion

Islam's theory of human rights and freedom of religious belief are the two fundamental principles by which Islam address plurality. Even

though part of the whole picture, understanding these two principles helps focus the picture of history as one seeks to judge the events of the past and in so doing establish a pattern that can help determine the course of future events. This is especially true in understanding military jihad and its role in Islam.

Chapter Five Notes

1. Tabari's History, volume 3, p. 609 and al-Ya'qubi's history, volume 2, p. 167.
2. See Imam Qurtubi's exegesis on the Qur'an, *Jami' Ahkam al-Qur'an*, volume 12 section on *surat al-Hajj*.
3. Al-Khatib, Ahmad Shirbini *Mughni al-Muhtaj fi Sharh al-Minhaj* (Cairo: Maktabat Imbaby al-Halaby) Volume 4, p. 210.
4. See endnote number 1 above.
5. For detailed information regarding this, see *Islam in Andalus* by M. Ataus-Rahim and Ahmad Thomson (UK TaHa publishers Ltd.).
6. Fisher, H.A.L *A History of Europe* (Boston & New York: Houghton Mifflin 1935) volume 1, p. 61.
7. See the quote from *al- d'awah ila al-Islam* p. 469 in *The Religions of the World* (Cambridge 1852) p. 30.
8. *ibid*.
9. Morris, Fredrick Dennison *The Religions of the World* (Cambridge: 1852) p. 28.
10. See endnote number 7 above p. 28.

11. The History of G. Issac's Lectures on the Near East p. 32. This work is studied by 5th grade students in French Missionary schools in Beirut.
12. See H. Geoman Lustier's *The History of France* p. 80-82. This work was also part of the same curriculum mentioned in endnote 12.
13. Edward Said *Orientalism* (New York: Pantheon Books 1978) p. 168.
14. *ibid* p. 186-187.

رقم الإيداع ٧٥٤٢ / ٢٠٠٦

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